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A HISTORY

OF THE

ENGLISH POOR LAW,

IN CONNEXION WITH

THE LEGISLATION AND OTHER CIRCUMSTANCES AFFECTING
THE CONDITION OF THE PEOPLE.

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BY

SIR GEORGE NICHOLLS, K.C.B.,

LATE POOR LAW COMMISSIONER, AND SECRETARY TO THE POOR LAW BOARD.

IN TWO VOLUMES.

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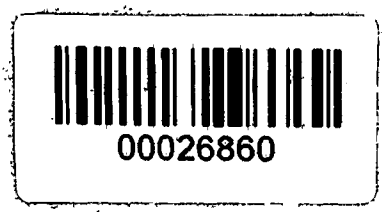
"Whenever, for the purposes of government, we arrive, in any state of society, at a class so miserable as to be in want of the common necessaries of life, a new principle comes into action. The usual restraints which are sufficient for the well-fed, are often useless in checking the demands of hungry stomachs. Other and more powerful means must then be employed; a larger array of military or police force must be maintained. Under such circumstances, it may be considerably cheaper to fill empty stomachs to the point of ready obedience, than to compel starving wretches to respect the roast-beef of their more industrious neighbours: and it may be expedient, in a mere economical point of view, to supply gratuitously the wants even of able-bodied persons, if it can be done without creating crowds of additional applicants."

BABBAGE, *On the Principles of Taxation*. London, 1851.



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DEDICATION.

To the Boards of Guardians of the several Poor Law Unions in England and Ireland—in the hope that the explanations herein given of the Progress of the English Poor Law, in connexion with the State of the Country and the general Condition of the People, may prove useful to them and their successors—this Work is inscribed,

By their faithful servant,

THE AUTHOR.

London, August, 1854.

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A HISTORY

OF

THE ENGLISH POOR LAW,

IN CONNEXION WITH THE

LEGISLATION AND OTHER CIRCUMSTANCES AFFECTING THE CONDITION OF THE PEOPLE.

INTRODUCTION.

THE laws of any period throw much light upon the habits and condition of the people at the time, and some knowledge of this condition and these habits is necessary for judging of the character and suitableness of the laws—each, in fact, reflecting light upon the other, and each requiring to be viewed with reference to the other. If this be true in a general sense, it is more especially true with regard to the laws immediately affecting the poorer classes; and therefore an inquiry into the origin and progress of the English Poor Laws, necessarily involves an inquiry into the state of the country and the condition of the people at the several periods when these laws were enacted, without which it would be impossible to judge of their fitness, or form an accurate estimate of their results.

In every country, and in all states of society, destitution has existed, and from the nature of things ever will exist; and on the relative proportion which the destitute bear to the entire population, and on the manner in

which this destitute class is dealt with, the general condition of the whole will in no small degree depend. For this destitute class in England the Poor Law has been chiefly framed—not at once, nor, in the several stages of its progress, always wisely, but from time to time, and as it were casually, when legislative interposition appeared to be called for to remedy some existing evil, or to prevent the occurrence of some evil which was apprehended.

The establishment of a Poor Law in any shape, or any systematic organisation for affording relief to the destitute, must be regarded as indicating a considerable advance in civilisation, and in the appreciation of duties arising out of a common interest for securing a common good. Sir Matthew Hale declares the relief of the poor to be "an act of great civil prudence and political wisdom, for that poverty is in itself apt to emasculate the minds of men, or at least it makes men tumultuous and unquiet. Where there are many poor, the rich cannot long or safely continue such. Necessity renders men of phlegmatic and dull natures stupid and indisciplinable, and men of more fiery or active constitutions rapacious and desperate."[a] It is accordingly an admitted maxim of social policy, that the first charge on land must always be the maintenance of the people reared upon it. This is the principle of the English Poor Law. Society exists for the preservation of property, but subject to the condition that the abundance of the few shall only be enjoyed by first making provision for the necessities of the many.

In the early age of a community, the prime object, after supplying the wants of nature, would be the pro-

[a] See Sir Matthew Hale's plan for the relief of the poor, given at length in Dr. Burn's 'History of the Poor Laws.'

tection of life and property from assault, whether by persons acting under the influence of violent and selfish passions, or labouring under the pressure of actual want; and we accordingly find that severe laws, and usages not less imperative than laws, existed in the early history of every people, having for their object the guarding of life and the protection of property, and imposing heavy penalties on transgressors in respect of either. But man will not submit to starve where the means of supplying his necessities can be obtained in any way, whether by force or by fraud. Necessity is above law, and, as far as the really necessitous are concerned, the dread of punishment has ever been found insufficient to protect property, or to deter from the commission of crime.

It may be presumed that the natural impulse to aid the distressed, which is common to the whole human race, would in the infancy of a community be sufficient to protect it against the consequences of extreme necessity in any of its members; and when in the progress of society this impulse failed through the excess of demands upon it, the influence of religion would probably be invoked in furtherance of the same object. Thus, throughout the East, and in all the earlier nations of the world, we find the practice of charity or almsgiving authoritatively inculcated as a religious observance. Even hospitality appears to have come under the same category. Wayfarers were entertained, not so much because the state of the world rendered such entertainment necessary for enabling persons to travel from one place to another, as from its being enjoined as a religious duty.

At a still later period, the Church of Rome constituted itself the general receiver and dispenser of alms, in all the countries subject to its influence. Its

charitable distributions were not confined to the poor alone, but were extended as well to the idle and the profligate, who, naturally preferring subsistence without labour to that obtained by their own industry, roved about from one religious establishment to another, resorting most frequently and in the greatest number to those where alms were most easily and abundantly obtained. As the funds of these establishments were increased by successive donations, their almsgiving was likewise increased, and consequently the idle mendicants increased in number, and became a burthen and serious evil, and even a source of danger, to the rest of the community.

Fuller,[b] in his 'Church History,' printed in 1656, after lauding the hospitality of abbeys as "beyond compare," thus speaks of these institutions: "Some," he says, "will object that this their hospitality was but *charity mistaken*, promiscuously entertaining some who did not need, and more who did not deserve it. Yea, these abbeys did but maintain poor which they made. For some vagrants, accounting the abbey alms their own *inheritance*, served an *apprenticeship*, and afterwards wrought *journeywork*, to no other trade than *begging*; all whose children were, by their *father's copie*, made *free* of the *same company*. Yea, we may observe that generally such places wherein the great abbeys were seated swarm most with poor people at this day, as if beggary were entailed on them, and that laziness not as yet *got out of their flesh*, which so long since was bred in their bones."[c] And Mr. Hallam, in his 'Constitutional

[b] Fuller's 'Church History,' 2nd sec., p. 298. The words in italics are so printed in the original.

[c] At a far earlier period it was found "that the liberality of certain Roman ladies, and other rich Christians, brought a great number of mendicants to Rome; and it is said that there was a decree made on this account by Valentinian the Younger, and directed to the prefect of Rome, in the year 382 (Cod.

History,' remarks—"There can be no doubt that many of the impotent poor derived support from their charity; but the blind eleemosynary spirit inculcated by the Romish Church is notoriously the cause, not the cure, of beggary and wretchedness. Nothing could have a stronger tendency to promote that vagabond mendicity which unceasing and very severe statutes were enacted to repress." [d]

It would appear, then, that the natural impulse of charity, aided by the higher influences of religion, and organised into a system through the agency of institutions richly endowed, and governed by the most powerful priesthood the world has ever known, failed in effectually relieving poverty; whilst such institutions and miscalled charities directly operated to the encouragement of idleness and vice, by leading the people to rely upon alms and casual contributions for support, instead of depending on their own exertions.

Man is destined to live by labour, and the love of life with which he is imbued, and the various wants by which he is surrounded, unceasingly operate as incentives to exertion, the right application of which is sure to bring its own great reward. Anything that tends to turn him from the persevering exercise of his own natural powers, or to divert him from a reliance upon his own honest efforts for obtaining the means of living, cannot fail to prove injurious both to the individual and to the community; and this the various institutions

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Theod. xiv. tit. 18), in which he requires that their age and strength be inquired into, that the disabled might be provided for; but as for the strong, they were to be delivered up to the informer if they were of servile extraction, and if they were free they were to be compelled to cultivate the ground." See Fleury's 'Ecclesiastical History,' revised translation, by the Rev. J. H. Newman, p. 51.

[d] Hallam's 'Constitutional History of England,' 4th edition, vol. i. p. 79.

created throughout the country by the influence, and governed by the power, of the Roman Catholic Church, unquestionably did.

In thus adverting to the evils occasioned by organised almsgiving, it is not intended to deny the merit or to depreciate the value of charity when judiciously exercised, neither is it intended to question the authoritative injunctions to its observance contained in Holy Writ, which must have been given with the beneficent intentions that characterize all the revelations of the Divine will. A charitable disposition ought doubtless to be cherished by all, as well on religious as on social grounds, and within the limits of prudence and sound principle its promptings should be obeyed. But it must not be forgotten that the great end of charity, both as enjoined by religion and demanded by humanity, is to benefit the recipient, not to exalt or glorify the giver; and the consequences of whatever may be done ought therefore never to be lost sight of; for if the effects be evil, either to the recipient or to society, the act of giving becomes a cause of evil—it is not charity in the true sense of the term, conducing to the good of its object and the benefit of the community.[e]

In England the Reformation brought with it a remedy for many evils. Much of the Church property then passed into lay hands. The monastic establishments were dissolved, and the large funds which, through the agency of these institutions, had been misapplied to the encouragement of idleness, were devoted to other and more legitimate purposes; whilst the "vagabonds and sturdy beggars," no longer able to

[e] De Foe, in a tract published in 1704, and quoted by Sir F. Eden, justly observes that "an alms ill directed may be charity to the particular person, but becomes an injury to the public, and no charity to the nation."

obtain their usual doles, were driven to labour for their maintenance or to prey upon the public. Their previous idle habits led them for the most part to adopt the latter course, and hence the various enactments of that period prohibiting vagrancy, and inflicting punishments of a severe and, in some instances, of a revolting character on this class of persons.

In order to obtain a clear view of the English Poor Law, and of the way in which it has grown with the wants and habits of the people, and become engrafted on our institutions as a means of protecting life and property by affording needful relief to the destitute, it will be necessary to trace the various enactments bearing on the subject as they appear in the Statute Books. At present there is no complete work of the kind. The nearest approach to it will be found in Dr. Burn's 'History of the Poor Laws,' published in 1764, and in 'The History of the Poor,' in a series of Letters by Mr. Ruggles, and 'The State of the Poor, or History of the Labouring Classes,' by Sir Frederic Eden, both published in 1797. Each of these works contains valuable information, especially the last; but they are for the most part desultory or over-technical in the mode of treating the subject, and in some instances recommendations are made which subsequent experience has shown to be attended with danger. Since they were published, moreover, much has taken place of a nature both eventful and instructive in regard to Poor Law matters, and the law itself has been materially changed. With these exceptions, and Mr. Pashley's 'Pauperism and Poor Laws,' published in 1852, and which the author did not see until the first part of the present work was written, the publications on the subject have mostly been put forth with the view of explaining the law as it existed at the time, such as Mr. Nolan's 'Treatise on

Settlement,' or to point out some defect or some evil requiring amendment. There is no comprehensive account of the Poor Laws, showing the changes they have undergone, the circumstances under which they were made, and the objects they were intended to accomplish; and this deficiency the author has here endeavoured to supply.

The legislation which it is proposed to consider, naturally arose out of the circumstances of the several periods to which it applies: first, the mere suppression of vagabondage and violence was aimed at—next, this suppression conjointly with some relief for the destitute by means of charitable or enforced contributions—then, the relief of poverty and want as well as destitution, from whatever cause either the one or the other may have arisen—and lastly, the relief of destitution and want in such a manner as that, whilst effective for that object, it shall not weaken the incentive to independent exertion on the part of individuals or of the labouring classes and the public generally. For the sake of convenience the work will be divided into four parts—the first extending from the earliest times to the end of the reign of Queen Elizabeth; the second, from that time to the end of the reign of Queen Anne; the third, to the end of the reign of George III.; and thence to the end of the parochial year 1852, constituting the fourth part.

The author had intended to include in the present work some account of the Scotch Poor Law, the origin of which was nearly contemporaneous, and the attendant circumstances in many respects similar, with the English law; and also to give a summary description of the Poor Law now established in Ireland, with the preparing of which, and likewise with its introduction, it was his fortune to be connected; and he has collected materials for both these objects. But having now completed the

'History of the English Poor Law,' he has determined upon publishing it as a separate work, complete in itself; and for the present, at least, to defer entering upon the Scotch and Irish portions of the subject.

The authorities which have been consulted are, first and chiefest, the folio edition of 'The Statutes of the Realm,' published under the authority of the Royal Record Commissions of 1800 and 1806, and extending to the end of Queen Anne's reign; and thence the octavo edition of the 'Statutes at Large' to the present time, from which such extracts as appeared necessary for an elucidation of the subject have been made from every enactment immediately connected with the Poor Law, or which seemed in any way calculated to throw light upon, or materially affect, the condition of the people. These extracts are, for the most part, given verbatim, and in no instance is anything which would alter or weaken the sense of a passage omitted, but merely redundancies, and words in the earlier Acts more or less obsolete, and not necessary for a clear understanding of what is meant. Nothing has in any instance been added, and the omissions are made sparingly, and solely with a view to economising space and clearing away encumbrances.

The statutes, taken as a whole, may be regarded as expositors of public opinion, and as affording the best criterion for judging of the character of the times in which they were enacted. They are fraught with interest social and historical, and it is hoped that the reader will not complain either of the length or the frequency of the extracts which are made from them. It is right to remark, however, that it is not stated what statutes have been repealed, or permitted to expire. This was not necessary for our purpose, which is to show —first, the successive steps by which legislation advanced

to establishing a direct charge upon property for the relief of the poor, together with a recognition of their right to relief; and secondly, to mark, in like succession, the consequences thence arising, and the remedies from time to time sought to be applied to evils either existing or apprehended. A List will, however, be given towards the end of the Work of the principal Statutes then in force, and by which the administration of Relief is chiefly regulated.[f]

The order of time has been occasionally departed from, for the purpose of keeping particular subjects more together; but this has not, it is hoped, been done to such an extent as to derange the general sequence, or cause embarrassment or confusion to the reader. Use has been made of the different Histories of England, for the purpose of carrying forward the chain of events, and placing before the reader the circumstances of the country at the periods coincident with the several acts of legislation. Use has also been made of various other works affording information on the state of society and the habits of the people, and to which reference will generally be found, either in the text or in a foot-note. The Reports which have from time to time been made with respect to the condition of the poor and the state and administration of the law, together with the debates on the subject as given in Hansard, and the Returns laid before Parliament, have likewise been examined and quoted; but it has been endeavoured to condense and simplify as much as possible the information derived from these and all other sources, and to avoid overburthening the subject with references.

The quantity of materials requiring to be examined has been very considerable, and selection was sometimes

[f] See post, 4th part.

difficult; but it was also necessary, in order to bring within reasonable limits the object which the author proposes—namely, to give in an intelligible form an account of the several enactments having reference to the poor and the working classes generally, and the grounds on which the enactments were based; to show how far they were in accordance with sound principle and the circumstances of the period; and whether, and to what extent, they were sanctioned by the results—in short, to put the reader in a position to judge whether the several enactments were in themselves right, or rightly timed; and what were their effects as regards the poorer classes and the rest of the community.

The author is aware of the onerous nature of the duty he thus imposes on himself, and there are circumstances which might well excuse his undertaking it; but he is encouraged to do so by the hope of producing a work which may be useful, and which his long and intimate connexion with Poor Law administration, both before and since the passing of the Amendment Act, seems to require from him, now that his retirement from official labour affords him leisure for the task. If in adverting to that measure he shall be led to speak of himself in connexion with anything that was done, he entreats that it may be attributed solely to his wish to place before the reader the facts as they actually occurred, which he would not in every instance be able to do, if all allusion to himself were omitted.

PART THE FIRST.

CHAPTER I.

Early legislation — Laws of Athelstan and Canute — State of the population prior to the Conquest — Under the Norman kings — In the time of Henry II. — Conquest of Ireland — Magna Charta — Feudalism — Laws of Henry III. — 'Provisions of Merton' — Laws of Edward I. — 'Statute of Winchester' — 'Statutes of Merchants' — Slavery of the people — The Crusades — Annexation of Wales — Condition of the Welsh people — Rise of a middle class, *temp.* Edward II. — Mingling of the races — Advance of freedom — Increase of vagrancy — Laws of Edward III. — 'Statute of Northampton' — The great plague — 'Statute of Labourers' — Sumptuary law — Prevalence of violence and disorder — Laws of Richard II. — Popular progress — Spread of freedom — Wat Tyler's rebellion — Population in 1377 — Wages and scarcity of agricultural labourers — First game-law.

It has been usual to assign the origin of our English Poor Law to the time of Richard the Second, but an approximation to the principle of a Poor Law may be discerned in the legislation of a much earlier period. Our Saxon ancestors required every peasant who had not a domicile of his own, to reside with some householder who should be responsible for him. Without such surety he would not be regarded as a member of the community, nor be entitled to its protection. By the laws of King Athelstan (A.D. 924), it was ordained that "lordless men, of whom no law can be got, the kindred be commanded that they domicile him to folkright, and find him a lord in the folkmote."[a] And further, "if any landless-man should become a follower in another shire, and again seek his kinsfolk, that he may harbour him on condition that he (the kinsman) make 'bot'[b] for him." And the laws of King Canute (A.D. 1017) ordain "that every one be

A.D. 924. Athelstan.

1017. Canute.

[a] "Folkmote" or "Folcgemot," a general assembly of the people.
[b] "Bot"—amends—satisfaction for an injury.

brought into a hundred and in 'borh,'[c] and that the 'borh' hold and lead him to every plea."[d] Each householder was held responsible for all the individuals of his household, whether bond or free, and for any stranger whom he had admitted under his roof.

These laws were no doubt intended as measures of police, and appear well calculated to prevent the growth of vagabondage and violence. But they had likewise the effect of establishing reciprocal relations between the landless-man and the landowner; between property and poverty; between the householder and the houseless; casting upon one the duty of supervising the conduct and providing for the wants of the other, in some respects similar to the Poor Law of the present day. The results of this legislation were likewise, it may be presumed, not very dissimilar, for the improvident and the indolent would endeavour, with the smallest amount of labour, to obtain the largest amount of assistance from the householder who was liable for their support and responsible for their conduct; whilst the householder would as certainly endeavour to obtain the largest amount of labour in return for the cost and responsibility to which he was subject. It would be then—as it has been since, and is now—a struggle between property and poverty, between the provident and the improvident, between the industrious and the idle; and on the mode in which this struggle is conducted, and on the equilibrium attained by these opposing influences, the social condition and general weal of a people will, as has been before observed, in great measure depend.

The Anglo-Saxons.

The state of the Anglo-Saxon population, as they existed prior to the Conquest, has been thus well described:[e] "Among the Anglo-Saxons

[c] "Borh"—a surety.

[d] See also the Laws of Hothaire and Eadric, A.D. 673 and 959, in the Ancient Laws and Institutions of England, published by the Record Commission.

[e] See Lingard's 'History of England,' vol. i. pp. 347 and 353. See also Sir F. Palgrave's 'History of the English Commonwealth,' vol. i. p. 13.

the free population was divided into the *Eorl* and *Ceorl*, the men of noble and ignoble descent. The former were said to be ethel-born; and, with a people acknowledging no other merit than martial prowess, it is probable that this distinction attached to those only whose fathers had never exercised the occupations of husbandry or the mechanical arts. . . . . Among the ethel-born, the first place was occupied by the cyning, or king. After the royal family, the highest order in the state was that of the ealdormen, or earls. The districts which they governed were denominated their shires, confined originally to a small tract of country, but gradually enlarged to the extent of our present counties. The 'thanes,' so called from *thegnian*, to serve, were a numerous and distinguished order of men, divided into several classes of different rank and with different privileges. . . . . The lowest class of freemen was that of ceorls, or husbandmen; of these some possessed bocland, but not in sufficient quantity to raise them to the rank of thanes; others held lands of their lords by the payment of rent, or other free but inferior services. . . . . These several classes formed but a small part of the population, of which perhaps not less than two-thirds existed in a state of slavery. . . . . All slaves were not, however, numbered in the same class. The most numerous class consisted of those who lived on the land of their lord, near to his mansion, called in Saxon his 'tune,' in Latin his 'villa.' From the latter word they were by the Normans denominated '*villeins*,' while the collection of cottages in which they dwelt acquired the name of village. Their respective services were allotted according to the pleasure of their proprietor. Some tilled his lands, others exercised for him the trades to which they had been educated. In return they received certain portions of land, with other perquisites, for the support of themselves and their families, but all were alike deprived of the privilege of freemen.

Their persons, families, and goods of every description, were the property of their lord. He could dispose of them as he pleased, either by gift or sale. He could annex them to the soil, or remove them from it. He could transfer them with it to a new proprietor, or leave them by will to his heirs."

Hume, on the authority of Selden,[f] notices two statutes of Athelstan, by the first of which a merchant, who had made three long sea-voyages on his own account, was entitled to the quality of a thane; and by the second, a ceorl or husbandman who had been able to purchase five hydes of land, and had a chapel, a kitchen, a hall, and a bell, was raised to the same distinction. The opportunities were, however, few by which a merchant or a ceorl could thus acquire distinction; and all writers agree in describing the people —not the servile classes only, but the entire people (for there was no middle rank)—as being at the time of the Conquest in a rude and barbarous state. Many of the clergy were hardly able to read the Church service; and whilst the nobility and landed gentry for the most part spent their time and means in riotous living and in coarse sensual excesses, the great body of the occupiers and cultivators of the soil were held in a state of bondage, without the power of removing from the estates on which they may be said to have vegetated, and where they were consequently kept in a condition of almost total ignorance and barbarism.

At the period of the Conquest (1066) the Anglo-Saxon population has, with every appearance of probability, been estimated at 2,150,000,[g] including every class or denomination into which the people were divided, from the eorls or nobles to the ignoble ceorls or churls: the

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[f] See Hume's History, vol. i., Appendix 1, p. 209; the edition of 1782.

[g] See M'Culloch's Account of the British Empire, vol. i. p. 396. See also the 'Pictorial History of England,' book v. cap. 7, where this question is very fully discussed.

wergild, or value of the life of the former, being held equal to that of six of the latter. The Normans were more advanced in civilisation than the people whom they conquered, among whom they introduced many of the arts and elegancies of life, but these benefits were purchased at a heavy cost. The military adventurers who accompanied the Conqueror had to be rewarded, and this could only be done by dispossessing the present occupants, so that the conquest ended in confiscation and in the establishment of a despotism far more oppressive than that which had previously existed. The great body of the labouring classes remained, it is true, as in the Saxon times, partly serfs or slaves, prædial or domestic, and partly villeins attached to the soil. But William introduced the feudal system in its utmost severity, and the bondage which had been comparatively easy under Saxon rule became a stern and rigid despotism under the Norman. In one respect, however, the change was not unattended with advantage. Order was established, the laws were rigorously enforced, and breaches of the public peace were severely punished. William himself exercised despotic sway, but he permitted none other to commit violence or transgress the law. Such was likewise the case during the reign of Henry the First, who was called "the Lion of Justice," and of whose stern severity in enforcing it numerous instances are recorded. He is said at one time, in Leicestershire, to have hung no less than forty-four persons charged with robbery. In other respects he was a great and accomplished prince, and, on account of his learning, acquired the name of *Beauclerc*, or the Scholar. Of the reigns of Rufus and Stephen, one immediately preceding, the other following, that of Henry the First, it need only be said that, whilst equally tyrannical and oppressive, they were wanting in the order so strenuously maintained by the Conqueror and by Henry, and therefore,

1066–1087. William the Conqueror.

1100–1135. Henry I.

although no less fertile of evil, they were without the countervailing good.

In saying that the Normans introduced many of the arts and elegancies of life, it is not meant to imply that civilisation, as the term is now understood, prevailed during the Norman period. A century after the Conquest, and in the reign of Henry the Second, the most powerful sovereign of his day, there was great coarseness of manners and habits; and the most squalid wretchedness, and vice in its most revolting form, were rudely blended, and, as it were, incorporated, with the pomp and pageantry of the royal processions. These processions were, in fact, little better than organized mobs, perambulating the country, and levying contributions, without stint or mercy, upon all who unhappily came within their reach. Estates were then held on the condition of furnishing straw for the royal beds and litter for the royal apartments. The rush-strewer was a recognised officer in the royal household, and it was considered an act of unusual magnificence to cover the floor of the great dining-hall with clean rushes or clean straw daily, so that those who could not find room at the common table might sit on the floor without soiling their clothes. Homely and incongruous as this may appear, contrasted with the barbaric splendour exhibited on other occasions, it is yet consistent with what is seen in every rude and partially civilised state of society. A passion for show prevails most among a savage or semi-savage people, and can in no case be regarded as a proof of civilisation, the characteristics of which are simplicity and harmony, an avoidance rather than a courting of gorgeous pageantry.

1154–1189. Henry II.

In 1172 Henry the Second completed the conquest of Ireland. That country, then in a state of utter barbarism, and governed by native chieftains constantly at strife among themselves, had been, by a papal bull, declared subject to the English Crown; and

1172. Conquest of Ireland.

Strongbow, Earl of Strigul, accompanied by a small number of followers, had, with Henry's permission, undertaken the task of reducing it to subjection, in which he made considerable progress, the rude natives being unable to resist his small armed band. After a time, however, Henry himself undertook the enterprise on a more extended scale, and landed at Waterford with 500 knights and 4,000 common soldiers. He met with very little resistance, and after remaining about six months in Ireland, and receiving the homage of his new subjects, he returned in triumph from a conquest which, although easily achieved, has been most important in its consequences.

Magna Charta was wrung from the unwilling John by the armed barons assembled at Runnymede in 1215. This charter, long regarded as the foundation of English liberty, relieved the nobility and freemen from the arbitrary exactions of the sovereign, but the serfs and villeins were not included, and remained in a state of slavery as before. A villein or rustic was not, however, by the imposition of any fine, to be deprived of his carts, ploughs, and implements of husbandry; and this, as is remarked by Hume, "was the only article calculated for the interests of this body of men, probably at that time the most numerous in the kingdom." With reference to this early period, Mr. Macaulay finely observes, "The sources of the noblest rivers which spread fertility over continents and bear richly laden fleets to the sea, are to be sought in wild and barren mountain tracts, incorrectly laid down in maps and rarely explored by travellers. To such a tract the history of our country during the thirteenth century may be not unaptly compared. Sterile and obscure as is that portion of our annals, it is there that we must seek for the origin of our freedom, our prosperity, and our glory. Then it was that the great English people was formed, that the national character began to exhibit

John. 1199-1216.

those peculiarities which it has ever since retained, and that our fathers became emphatically islanders,—islanders not merely in geographical position, but in their politics, their feelings, and their manners." [h]

Effects of feudalism.

The condition and habits of the nobility and gentry being of the rude character above described, even after the Norman and Saxon races had, in great measure, become blended into one people, it will readily be supposed that the mass of the population must have been in a still ruder state. It is the very nature of feudalism, which throughout the Norman period existed in its most despotic form, to depress the many and to elevate the few. It raised the chieftain to a height so much above the commonalty, as to obliterate any feeling of natural equality or common interest between them. The one revelled in feudal pomp, and exercised an authority little short of absolute over both person and property; the other was ignorant and depressed, without rights or privileges which were not over-ridden or controlled by the will of the superior lord, who was looked up to as a being of a higher order, and whose behest was not to be disputed.

1216-1272. Henry III.

Neither was it the lowest of the people only who were thus controlled. All, of every class below the chieftain, were subjected to the like iron rule. Even in the domestic affair of marriage, a man had to seek the permission of his feudal superior, who exacted a fee according to the circumstances of the parties. Thus in the reign of Henry III., by "The Provisions of Merton" (*20th Henry 3rd, cap.* 7), it was enacted that, "when an heir cometh to full age, he shall give to his lord and pay him as much as any would have given him for the marriage, before the receipt of his land, and that whether he will marry himself or not; for the mar-

1235. 20 Hen. III., cap. 7.

[h] See Macaulay's 'History of England,' vol. i. p. 17.

riage of him that is within age of right pertaineth to the lord of the fee." If persons holding property, and that not unfrequently of great value, were thus coerced in the personal affair of marriage, one may readily judge what was the state of the less opulent and inferior orders. This is, however, further manifested by another statute of the same reign, in which men are classed with woods, houses, and other chattels. *The 43rd Henry 3rd, cap.* 23, directs that 1259. 43 Hen. III., cap. 23. "Farmers, during their farms, shall not make waste or sale or exile in woods, houses, *men*, or in anything else belonging to the tenements which they have to farm, unless they have a special grant in the writing of their covenant making mention that they may do so." The *men* here referred to, and with houses and woods guarded from waste, sale, or exile, were the serfs and villeins fixed to the soil, and rendering the farm productive by their labour, to waste or exile whom would make the farm of less value, and therefore be an injury to the lord.

Our old Saxon institutions, in which the freedom and responsibility of individual action were, to a considerable extent, recognised, could not withstand the aggressive influence of feudalism introduced by the conquerors, and rapidly fell into desuetude. Military chiefs with their armed retainers abounded everywhere. Norman castles sprang up as if by magic throughout the length and breadth of the land, and the longest sword governed if it did not also make the law.

Under these circumstances, the poor, the aged, and the impotent, were encumbrances undeserving of care or consideration; and if they could not obtain subsistence by begging or stealing, they were left to starve. Those only were cared for who were able to take part in the pageantry, and assist in upholding the power, of the feudal baron or head lord, whose influence, and often whose safety, depended on the number and hardihood

of his followers; and he was seldom fastidious in the selection, provided they were strong and courageous. Honesty was not a necessary qualification. The practised and astute plunderer was most valued as a partizan; and the chief who was the most reckless and ferocious was certain of having the greatest number of followers of like character, who flocked to him in the hope of sharing in his successes and rioting in unrestrained violence. The number of such adventurers constantly traversing the country, and ready for any mischief, is described by early writers, and in the preambles to Acts of the legislature, as being very great; and when to these are added the vagabonds and professed mendicants, partly thieves and partly beggars, moving about from one district or one religious establishment to another, the evil must have been of a magnitude truly appalling.

Edward I. 1272-1307.

1285. 13 Edward I. Statute of Winchester.

Thus in the reign of Edward the First, little more than two centuries after the Conquest, we find the 'Statute of Winchester' (*The 13th Edward the First*) commencing with this recital: "Forasmuch as from day to day robberies, murthers, burnings, and thefts be more often used than they have been heretofore, and felons cannot be attainted by the oath of jurors, which had rather suffer strangers to be robbed, and so pass without pain, than to indict the offenders, of whom great part be people of the same country, or at least if the offenders be of another country, the receivers be of places near." The Act then goes on, in the spirit of our early Saxon legislation, to make the hundred answerable for all robberies perpetrated within its limits; and it further directs, for the more surety of the country, "that in great towns, being walled, the gates shall be closed from the sun-setting until the sun-rising, and that no man do lodge in the suburbs without his host will answer for him; and the bailiffs of towns are to make inquiry of all persons being lodged in the suburbs, and, if they do find any that have lodged or

received any strangers or suspicious persons, the bailiffs shall do right therein." The Act further directs (c. 5) "that highways leading from one market-town to another shall be enlarged, so that there be no dyke, tree, nor bush, whereby a man may lurk to do hurt, within two hundred foot of the one side, and two hundred foot on the other side of the way. And if percase a park be near to the highway, it is ordered that it be set back two hundred foot from the highway as beforesaid, or that a wall, dyke, or hedge be made, that offenders may not pass to do evil." It is then further ordered, "that every man have in his house harness (or armour) according to his station, to keep the peace."

These enactments indicate a very disturbed and insecure state of society. From the precautions taken to guard towns, by closing the gates and searching the suburbs, it must be inferred that the plunderers carried on their nefarious avocation in parties, and by combinations more or less numerous. The clearing a space of two hundred feet on each side of the roads leading to and from market-towns, for the protection of passengers, is just the precaution taken in India at the present day, whenever the road passes through a jungle or uninhabited tract of country, in order to protect the traveller from the spring of the tiger—so near does man, when uncontrolled by law, and acting under the influence of his own selfish passions, approach to the nature of a beast of prey proverbial for its ferocity and treachery. It would be impossible for a community to prosper under such a state of things as is here exhibited. Violence would beget insecurity, insecurity would produce recklessness, which would be followed by poverty and want; and so the round would be continued in perpetual succession, beginning with violence and ending in want, which again would occasion the evil of which it was itself a consequence.

To break this chain of evil—to guard against the

consequences of absolute want, and as far as possible to prevent its occurrence, without at the same time lessening the inducement to independent exertion, or imposing an unnecessary burthen on the community—are the legitimate objects of a Poor Law. But the circumstances of the country were not then sufficiently advanced for the application of such a principle. Rude laws were passed prohibiting vagabondage and violence, and inflicting cruel punishments and mutilations on all who were convicted of such offences; but except in the case of the Saxon peasant before mentioned, who, if houseless or landless, was required to place himself under the protection of some householder or landowner, no other means are noticed for obviating or relieving the extremity of want, and thereby preventing one of the most powerful incentives to the commission of crime. At that early period of violence and disorder, the only idea which seems to have been present to the minds of the governing class was that of coercion and punishment. No thought of prevention, in any shape, appears to have occurred to them.

During the reign of Edward the First, however, the germs of future improvement began to be manifested. The laws were rendered more clear and definite, and were better administered. Robberies, murders, and other outrages were repressed. The roads were improved, and travelling was rendered more secure. The complaints of foreign dealers who brought their wares into England were attended to; and, by the two 'Statutes of Merchants' (*The 11th and the 13th Edward the First*) redress was afforded against the hardships and injustice to which they had been exposed, and which are thus noticed in the preamble to the earlier statute: "Forasmuch as merchants which heretofore have lent (*i. e.* sold) their goods to divers persons be greatly impoverished, because there is no speedy law provided for them to have recovery of

1283, 1285. 11 and 13 Edward I.

their debts at the day of payment assigned; and by reason hereof many merchants do refrain to come into this realm with their merchandises, to the damage as well of the merchants as of the whole realm." The redress afforded to foreign traders under these Acts, and the other ameliorations of Edward's reign, are manifestations of progress, and all tended to advance civilisation and promote the general weal. By establishing security and greater facilities of communication, social intercourse and the interchange of commodities would be increased, and industry and enterprise encouraged. The effects might not in every case be immediately apparent, but they would be certain in the end; and in proportion as they were developed, would the condition of the people be improved—that is, unless some adverse influence should unhappily exist sufficiently powerful to destroy the good seed thus sown, before it had time to germinate and produce fruit.

That such an adverse influence did exist, and that it must have more or less neutralized the benefits which would else have resulted from the measures above noticed, is certain. Sir Frederic Eden, a writer of no mean authority,[1] in commenting on this period, observes—"If we except the baronial proprietors of land, and their vassals the free tenants and socmen, the rest of the nation seems to have been involved in a state of servitude, which, though qualified as to its effects, was uniform in its principle, that none who had been born in or had fallen into bondage, could acquire an absolute right of property." In a subsequent portion of his work he remarks, with respect to the same period, "In both Magna Charta, and the charter of Henry the Third in 1225, a class of men are mentioned who appear to have been considered in the light of moveable property. The prohibition to guardians from wasting the men and

[1] See Sir F. M. Eden's 'History of the Labouring Classes,' vol. i. pp. 7 and 35.

cattle on the estates of minors is a clear proof that villeins who held by servile tenures were looked upon in the light of negroes on a rice, a tobacco, or a sugar plantation. Long after the year 1225 they were considered as a saleable commodity. In 1283 a slave and his family were sold by the abbot of Dunstable for 13*s.* 4*d.*; in 1333 a lord granted to a charity several messuages, together with the bodies of eight natives (villeins) dwelling there, with all their cattle and offspring; and in 1339 we meet with an instance of a gift of a nief (a female slave), with all her family, and all that she possessed, or might subsequently acquire."

Slavery of the people.

The state of slavery here described had long existed —it is indeed difficult to say when it did not exist. It prevailed throughout the Saxon period, it was continued and extended by the Normans, and it was not until after the two races had become amalgamated that the people began to struggle for freedom,—feebly and casually no doubt at first, and with uncertain and varied success; but the impulse once given, the stream once set in motion, it continued to flow onward with an accelerating force, until the last remnant of bondage was swept from off the land.

It took centuries, however, to accomplish this change. The evil was closely mingled with the institutions of the country, and required much time and successive efforts for its eradication. So long as it existed in any shape no great or permanent improvement could take place in the condition of the people, for slavery is a plant of such noxious growth, that nothing good will flourish near it. Wherever it prevails—wherever man is the property of another, he can have no rights or independent will, and is without the personal responsibilities which attach to a state of freedom. The great majority of a people, whatever their social condition, must of necessity be devoted to manual occupation of some kind; but if they are in a state of slavery, their wants are provided for, they are

clothed, fed, maintained by their masters, to whom they belong, and who are entitled to the fruits of their labour. They are therefore without property, and are themselves the property of others, on whom devolves the charge of providing for their wants, present and prospective. Serfdom and villeinage are only modifications of slavery, and, so long as these prevailed, there could be no call for any special provision for the destitute. The persons who might, if free agents and in a destitute state, have been properly relieved out of the common stock, would, as serfs or villeins, have a claim on their masters, to whom they belonged, and who were bound to provide for them. To afford relief to such persons would therefore in reality be to relieve their masters at the public charge, and thereby exonerate them from the performance of a duty properly incidental to their position.

A state of slavery, in whatever form, and under whatever designation, whether as vassals, serfs, or villeins, is so directly opposed to all the best impulses of our nature, that sooner or later mankind are sure to rise up against it and demolish its chains. The demolition may take place gradually, and by successive efforts on the part of the people themselves, as time and opportunity serve; or it may be accomplished by a great convulsive movement arising out of some stirring and sudden event; or it may be consummated by the master class taking an enlarged view of their true interests, and wisely considering that creatures of their own race, having the same hopes and fears, feelings, passions, and capabilities as themselves, cannot long or safely be kept in what may be called a state of negation, nor in that state be of equal use to their employers or to the community, as when left to the free exercise of their faculties on their own responsibility, within the limits of law.

The crusades in which the Christian powers of Europe engaged for wresting Jerusalem from the dominion of the

Saracens, and which with occasional intermissions were continued from the preaching of Peter the Hermit in 1096, to nearly the end of the thirteenth century, must have exercised a considerable influence on the manners and habits of the period. The numbers who engaged in these enterprises were very great. In the first crusade the Hermit is said to have led a million of combatants to the shores of the Bosphorus. About a century afterwards Palestine became, under our Lion-hearted Richard and his magnanimous opponent Saladin, the chief field of heroic and chivalrous enterprise. It was also a field of superior civilisation; and on their return, the pilgrim warriors brought from thence a knowledge of arts and usages to which they would find no parallel in their own country, but which they would naturally endeavour to implant there. The crusades must therefore, on the whole, be regarded as favourable to social improvement. They no doubt largely promoted the extension of commercial intercourse.

The Crusades.

In the year 1284 Wales was finally annexed to the English crown, and by the 'Statutes of Wales' (*The 12th Edward 1st*) a code of laws and municipal regulations was established for that country, which thenceforth may be regarded as a portion of England. The statute commences thus:—"Edward, by the grace of God, King of England, Lord of Ireland, and Duke of Aquitain, to all his subjects of his land of Snowdon." It then recites that Divine Providence, which is unerring in its judgments, having "now of its favour wholly and entirely transferred under our dominion the land of Wales with its inhabitants, heretofore subject unto us in feudal right, and annexed and united the same unto the crown of this realm as a member of the same body"—the king, being desirous that the land of Snowdon should be governed with due order, and that the people should be protected in security under fixed laws, caused the laws and customs of those

1284. 12 Edward I. Statutes of Wales.

parts hitherto in use to be rehearsed before him and the nobles of his realm, by whom the same were diligently heard and considered; after which certain of them were abolished, some were allowed, and others were corrected, and likewise certain others were added thereto, and the whole were ordained and commanded to be "from henceforth for ever stedfastly kept and observed." The statute then goes on, at much length, to enact a code of laws for Wales, not very dissimilar from those of England, and differing chiefly where the different circumstances of the two countries appeared to render it necessary or expedient.

Condition of the Welsh people.

The Welsh people at this time were far more rude and uncivilised than the people of England, and being secluded in their mountain fastnesses, and almost continually engaged in border depredations, their improvement under such circumstances was unlikely, if not nearly impossible. The establishment of a uniform code of law, administered under the supervision of a stable and vigorous government, must therefore have been a great boon to Wales, and whatever improvement has taken place in the condition of its people may be dated from this period. The Welsh language has, however, continued to prevail very generally even to the present day, and has thus prevented that country from participating so largely as it might otherwise have done in the great advance in literature, science, and social institutions which has taken place in England. This must be lamented by all who are anxious to improve the condition of the Welsh people, one of the first steps to which would be the diffusion of English literature and information through the medium of a common language.

The final annexation of Wales by Edward the First was not one of the least memorable acts of his reign, so fertile in events of the highest interest and importance. Had his efforts for the similar annexation of Scotland been successful, it would have brought the whole British

island under one government, and averted a vast amount of evil; but this consummation was reserved for a subsequent period. Edward repressed the disorders which had sprung up during his father's feeble reign, and compelled his turbulent barons to submit to the law, which he at the same time so enlarged and improved as to earn for himself the title of the English Justinian. To him we owe the establishment of justices of peace, and the settlement of the jurisdiction of the several courts of law. His courage, industry, and penetration were alike conspicuous, and he was in every respect a great and politic sovereign. He died on the 7th of July 1307, and was succeeded by his son, Edward the Second, whose character was in all respects the reverse of that of his father.

Edward II. 1307–1327.

Before the end of the reign of Edward the Second, a middle class of men arose, who, although not altogether free, were not subjected to the absolute and unconditional services of personal bondage. Such were the servile tenants of manors, who were permitted to occupy small portions of land, and were at the same time required at certain seasons to assist in the cultivation of the demesnes of their lords. It is stated by the writer just quoted[k] that as early as the year 1257 a servile tenant, if employed before Midsummer, received wages; and in Edward the First's reign he was permitted, instead of working himself, to provide a labourer for the lord, from which it is obvious that he sometimes possessed the means of hiring one. Free labourers must therefore have then existed, although they were probably not numerous; but their number would go on increasing, and the circle of freedom would thus become gradually enlarged.

A middle class arose.

As population increased the people would naturally feel and begin to exercise the power which numbers

[k] Sir F. Eden's 'History of the Labouring Classes,' vol. i. p. 12.

confer. The old ties of serfdom and villeinage were becoming more and more relaxed, and each succeeding year witnessed an addition to the number of those exonerated from thraldom. The labouring classes generally were left more free to follow their own devices, or they asserted this freedom by combining together for the purpose. The distinction of race had, moreover, at this period nearly disappeared. "Early in the fourteenth century the amalgamation of the races was all but complete; and it was soon made manifest by signs not to be mistaken, that a people inferior to none existing in the world had been formed by the mixture of three branches of the great Teutonic family with each other and with the aboriginal Britons."[m] This mixture and amalgamation must have added greatly to the strength and importance of what may be emphatically called the people. Separated into races, they were feeble—united, they were strong; and now, being thus united, they were able to work out their deliverance from villeinage, and vindicate their right to freedom, sooner and with greater certainty than would otherwise have been practicable.

Mingling of the races.

The change from a state of slavery to a state of freedom at this time in progress was, however, like all other great changes, attended with a certain amount of evil—it led to a great increase of vagrancy. Many of those who had struggled for and asserted their own freedom, resorted to begging and vagabondism, and not unfrequently to violence, whenever employment, or the means of honest livelihood, was not readily obtainable, and sometimes, perhaps, when it was. The idle and the evil-disposed were of course the first to do this, and the unsettled character of the period fostered and gave licence to the vocation of a beggar, which, moreover, received direct encourage-

Advance of freedom. Increase of vagrancy.

[m] See Macaulay's 'History of England,' vol. i. p. 18.

ment from the almsgiving inculcated by churchmen, and practised by the religious communities. We cannot wonder, therefore, that mendicancy and vagabondism should have increased with the spread of freedom, nor that they were regarded as nearly connected by the master class, who could hardly be expected to have a friendly feeling for the one, and who suffered from the growing evils of the other. These evils are vividly described in the preambles to the various statutes enacted for their correction, and must indeed have at length become of very serious magnitude. Yet even in these evils the germ of a good is apparent, for, if the people had not ceased to be slaves, they could not have possessed a freedom of action, or resorted to vagrancy as a means of living. As vagrants they might be coerced or reclaimed, and become good citizens; as slaves they would be irreclaimable, and would continue to taint and deteriorate the whole community. The change, therefore, even when accompanied by its perhaps unavoidable drawback of vagabondage and mendicancy, must be regarded as conferring most important benefits.

The feeble and disorderly reign of Edward the Second affords no matter for observation, except it be to lament the evils which prevailed throughout it, and its melancholy termination. The youth of his successor, Edward the Third, rendered him at first unfit for controlling the elements of discord and confusion which had sprung up and spread so widely under his father, and violence and disorder continued for a time to prevail; but the young king gave early indications of energy and talent, and his long and eventful reign constitutes one of the most important epochs of our history, whether regarded in a social or in a political point of view.

Edward III. 1327-1377.

The first effort made in the new reign for restoring order was by the 'Statute of Northampton' (*The 2nd Edward 3rd*), which, after again es-

1328. 2 Edward III.

tablishing the Great Charter in all points, proceeds to enact, "That no man, great nor small, of what condition soever he be (except upon a cry made to keep the peace), be so hardy as to come before the king's justices, or other of the king's ministers, with force and arms, nor to go nor ride armed by night nor by day in fairs or markets, nor in presence of the justices or other ministers, nor elsewhere, upon pain to forfeit their armour to the king, and their bodies to prison at the king's pleasure." And, "as to punishment of felonies, robberies, manslaughters, trespasses, and oppressions of the people, committed in times past," the king is empowered to appoint justices in divers places (as was done in the time of Edward the First) "of great men of the land, which be of great power, with some of the justices of one bench or the other, and other learned men in the law, to inquire, hear, and determine all manner of felonies, robberies, manslaughters, thefts, oppressions, conspiracies, and grievances done to the people against the law and custom of the land, as well by king's ministers as by others whatsoever they be, and that as well within franchise as without."

More stringent measures appear, however, to have been required for repressing the violence and disorder which then prevailed, and accordingly, three years after the above, *The 5th Edward the 3rd, sect.* 14, was passed.[n] It recites, "Whereas in the Statute of Winchester (the 13*th Edward* 1*st*) it is contained, that if any stranger pass by the country in the night, of

1331. 5 Edw. III., sec. 14.

[n] By a foot-note it appears that this and the other statutes of this reign were sent into Ireland in the form of letters patent, with the writ following:—"The King to his trusty and well-beloved Anthony de Lucy, his justice of Ireland, greeting. Certain statutes by us and the prelates, earls, barons, and other great men of our realm set forth in divers our parliaments since we took upon us the government, we do send unto you in form of letters patent, commanding that the statutes aforesaid and all the articles therein contained, in our aforesaid land of Ireland, as well within liberties as without, you do cause to be publicly proclaimed, and, so much as to you and our people of those parts belongeth, to be firmly kept and observed."

whom any have suspicion, he shall presently be arrested and delivered to the sheriff, and remain in ward till he be duly delivered; and because there have been divers manslaughters, felonies, and robberies, done in times past by people that be called roberdesmen, wastors, and draw-latches, it is accorded, That if any man have any evil suspicion of such, *be it by day or by night*, they shall be incontinently arrested and kept in prison till the coming of the justices assigned to deliver the gaol, who shall proceed to the deliverance of such persons according to law." Thus the power given by the statute of Edward the First to arrest suspicious persons in the night-time, is now extended to the day as well, and better provision is made for bringing such persons to trial.

The king's attention was not alone confined to establishing order and repressing violence at home, or to the foreign wars in which he was engaged. He further aimed at increasing the power and improving the condition of the country by fostering commerce. In the second year of his reign, "The staples beyond sea, and on this side, ordained by kings in times past," were abolished, and merchant strangers were permitted freely to come and go with their merchandise. And now a more full provision is made in this respect by *The 9th Edward 3rd*, which recites, "That great duress and grievous damage have been done by some people of cities, boroughs, ports of the sea, and other places, which in long time past have not suffered nor yet will suffer merchant strangers nor others which do carry and bring in by sea or land wines and other livings and victuals, with divers other things necessary and profitable, to sell or deliver such wines, &c., to any other than to themselves, by reason whereof such stuff aforesaid is sold to the king's people more dear than they should be if such merchant strangers and others might freely sell them to whom they would." And it

1335. 9 Edward III.

is therefore ordained, "That all merchants, strangers, and denizens, and all other of what estate or condition soever they be, that will bring or sell corn, wines, averdepois, flesh, fish, and all other livings and victuals, wools, clothes, wares, merchandises, and all other things vendible, from whencesoever they come, by foreigners or denizens, at what place soever it be, city, borough, town, port of the sea, fair, market, or elsewhere within the realm, may freely, without interruption, sell them to what persons it shall please them, as well to foreigners as to denizens," and all charters and usages to the contrary are declared void.

Fifteen years afterwards this statute was confirmed by *The 25th Edward 3rd*, which still more earnestly denounces all impediments to the freedom of traffic. It directs that the above statute shall be in all points kept and maintained, and that any statute, charter, proclamation, usage, or judgment to the contrary "shall be void and holden for none." And further, that "every merchant or other, as well alien as denizen, that shall bring any manner of merchandises or chaffer to the city of London, or other cities, boroughs, towns, or ports of the sea, may freely, and without challenge or impeachment of any, sell in gross, or at retail, or by parcels, at his will, to all manner of people that will buy the same, notwithstanding any franchises, grants, or customs to the contrary; sithence that such usages and franchises be to the common prejudice of the king and his people." This distinct assertion of the great principle that privileges were not to be enjoyed by one class to the injury of another, by the few to the prejudice of the many, was doubtless most important. It, in fact, comprises all that has been contended for by enlightened statesmen in every age, and its open recognition by the sovereign and legislature of that period could not fail of producing a highly beneficial effect upon the other relations of the community.

1350-1. 25 Edw. III.

If chartered and accustomed privileges were not to be retained by corporations, how could they be retained by individuals? how could vassalage be maintained or serfdom be upheld? The abolishing of such chartered privileges, and the reasons on which the abolition is here grounded, indicate a great advance in the march of freedom, both socially and commercially.

In Nolan's 'Treatise on Relief and Settlement' it is said that "The more ancient statutes for regulating the poor were enacted to repress their vagrancy, not to provide for their maintenance," and it is impossible to examine these ancient statutes without recognising the justice of this observation. It may, however, be said that the vagrant was generally a beggar, and the beggar was always a vagrant; so that it would have been extremely difficult, if not impossible, for the legislators of that early period to discriminate between the two. They therefore took them together, apparently regarding them as identical; and they probably hoped by repressing vagrancy to put an end to all the evils connected with it. Accordingly, in the 'Statute of Labourers' (*The 23rd Edward the 3rd*), which is so often referred to by writers on the subject of the poor, it is, among other things, enacted, "That, because many valiant beggars, as long as they may live of begging, do refuse to labour, giving themselves to idleness and vice, and sometimes to theft and other abomination, none, upon pain of imprisonment, shall, under the colour of pity or alms, give anything to such which may labour, or presume to favour them in their sloth, so that thereby they may be compelled to labour for their necessary living." The valiant beggars here described must be taken to include the vagrant class generally, to none of whom, if able to labour, are alms permitted to be given; but it is not prohibited to give alms to such as are *not* able to labour. The prohibition in one case seems to be equivalent to a tacit sanction in

1349. 23 Edw. III.

the other; and the distinction thus indicated, is left to be worked out and applied by the public on their own responsibility in each case.

The reason assigned for passing this statute, and the several enactments it contains, deserve particular notice, as throwing light on the condition of the people immediately after the great plague which swept from east to west over the then known world, making the most frightful ravages, and bearing misery and devastation in its train. It reached London the latter end of 1348, and thence spread throughout England, attacking both man and beast. The poorer classes suffered most, and it has been said that one half the population were destroyed by this dreadful visitation.

1348. The great plague.

Such was the period at which the 'Statute of Labourers' (*The 23rd Edward the 3rd*) was passed. It begins by stating, that, "Because a great part of the people, and especially workmen and servants, late died of the pestilence, many, seeing the necessity of masters and great scarcity of servants, will not serve unless they may receive excessive wages, and some rather willing to beg in idleness than by labour to get their living;" and it then goes on to direct "that every man and woman, of whatsoever condition, free or bond, able in body, and within the age of threescore years, not living in merchandise, nor exercising any craft, nor having of his own whereof he may live, nor proper land about whose tillage he may himself occupy, and not serving any other, shall be bound to serve him which him shall require, and take only the wages, livery, meed, or salary which were accustomed to be given in the places where he oweth to serve. And if any such man or woman, being so required to serve, will not the same do, and that be proved by two true men before the sheriff, or the bailiffs or constables of the town, he shall anon be taken and committed to gaol,

1349. 23 Edw. III.

there to remain under strait keeping till he find surety to serve in the form aforesaid." The Act then directs, that, "if any reaper, mower, or other workman or servant, retained in any man's service, do depart from the said service without reasonable cause or licence before the time agreed, he shall have pain of imprisonment;" and none under the same pain are to receive or retain any such in his service. And it is further directed, "that no man pay, or promise to pay, any servant any more wages, liveries, meed, or salary, than was wont, nor in other manner demand or receive the same, upon pain of doubling of that that so shall be paid, promised, required, or received, to him which thereof shall feel himself grieved pursuing for the same."

In like manner sadlers, skinners, white-tawers, cordwainers, tailors, smiths, carpenters, masons, tilers, shipwrights or boatbuilders, carters, and all other artificers and workmen, are prohibited from taking "for their labour and workmanship above the same that was wont to be paid to such persons five or six common years next before; and if any man take more he shall be committed to the next gaol." The attempt to limit prices by law, was not confined to the article of labour. The statute proceeds—"Butchers, fishmongers, hostelers, brewers, bakers, pulters, and all other sellers of all manner of victual, shall be bound to sell the same for a reasonable price, having respect to the price that such victual be sold at in the places adjoining; so that the same sellers have moderate gains reasonably to be required, according to the distance of the place from whence the said victuals be carried. And if any sell such victuals in any other manner, and thereof be convicted, he shall pay the double of the same that he so received to the party damnified, or, in default of him, to any other that will pursue in his behalf." A copy of this statute was sent to each of the bishops, with a request that it might be published in the churches and

other places of his diocese, and that he would "direct the parsons, vicars, ministers of such churches and others under him, to exhort and invite their parishioners, by salutary admonitions, to labour and observe the ordinances aforesaid, as the present necessity requireth."

It appears that the benefits expected from the above statute, notwithstanding the co-operation of the clergy, were not realised, for in less than two years another was passed (*The 25th of Edward the 3rd*) in amendment and continuation of it. This Act begins by reciting—"Whereas late against the malice of servants, which were idle and not willing to serve after the pestilence without taking excessive wages, it was ordained that such servants, as well men as women, should be bound to serve receiving salary and wages accustomed. And now, forasmuch as it is given the king to understand in this present parliament, by petition of the commonalty, that the said servants, having no regard to the said ordinance, but to their ease and singular covetise do withdraw themselves to serve great men and other, unless they have livery and wages to the double or treble of that they were wont to take before, to the great damage of the great men, and impoverishing of all the said commonalty;" wherefore it is ordained, that carters, ploughmen, drivers of the plough, shepherds, swineherds, deies, and all other servants, shall take liveries and wages accustomed. Where wheat was wont to be given, they shall take it, or for the bushel 10*d.*, at the will of the giver. They shall be hired to serve by a whole year, or by other usual terms, and not by the day. In time of *sarcling* or haymaking their wages are to be but a penny the day. A mower of meadows is to be paid for the acre 5*d.*, or by the day 5*d.* Reapers of corn in the first week of August 2*d.*, in the second and subsequent weeks 3*d.*, and less in the county where less was wont to be given, "without meat or drink or other courtesie to be

1350–1. 25 Edw. III.

Scale of wages.

demanded, given, or taken." Threshers are not to take for threshing a quarter of wheat more than 2*d.*, and for the quarter of barley, beans, pease, and oats, 1*d.*, "if so much were wont to be given."

The Act further provides that the said servants are to be sworn twice in the year "to hold to do these ordinances," and it directs, "that none of them go out of the town where he dwelleth in the winter, to serve the summer, if he may serve in the same town." But there is a saving in behalf of "the people of the counties of Stafford, Lancaster, and Derby, and people of Craven, and of the marches of Wales and Scotland," who are permitted to come in harvest-time, and safely return, as they were wont to do beforetime. The permission thus given to the people of these districts to "go a harvesting" is a proof that the rural population of the southern parts of England was then, as in the present day, insufficient for performing the work required at harvest-time; and it may also be regarded as a proof that the mode of cultivation and the habits of the people in the places named, were such as to admit of a considerable portion of the population migrating to other districts at certain seasons, as so many of the Irish of late years have been in the habit of doing.

The wages of carpenters, masons, tilers, and other workmen of houses, are in like manner fixed by this Act. A master carpenter at 3*d.*, and another at 2*d.* a day; a master or free stone-mason 4*d.*, other masons 3*d.*, and their servants 1*d.*; tilers 3*d.*, and their knaves 1*d.*; other coverers of fern and straw 3*d.*, and their knaves 1*d.*; and plasterers and workers of mud walls and their knaves the same, without meat or drink. Carriers by land or by water, hostlers, victuallers, cordwainers and shoemakers, goldsmiths, saddlers, horse-smiths, sporriers, tanners, curriers, tawers of leather, tailors, and other workmen, artificers, and servants not here specified, are to be "sworn before the justices to

do and use their crafts and offices in the manner they were wont to do in the time before." And in order to ensure the observance of the Act by all these several parties, the stewards, bailiffs, and constables of towns, are to be sworn "to inquire diligently, by all good ways they may, after all who act contrary to this ordinance, and certify their names to the justices, when they shall come into the country to make their sessions; so that the same justices, on being so certified of the names of the rebels, shall do them to be attached by their body to answer of such contempt, and to find surety to serve, and take and do their work, and sell things vendible, in the manner aforesaid." And in case of any one being convicted of breaking his oath, he is to be imprisoned forty days, and for a second conviction "he shall have imprisonment of a quarter of a year; so that at every time he offendeth, and is convict, he shall have double pain."

With reference to the above prices of labour, Hume observes—"It is remarkable that in the same reign the pay of a common soldier, an archer, was sixpence a day, which by the change both in denomination and value would be equivalent to near five shillings of our present money. Soldiers were then enlisted only for a very short time. They lived idle all the rest of the year, and commonly all the rest of their lives. One successful campaign, by pay and plunder and the ransom of prisoners, was supposed to be a small fortune to a man, which was a great allurement to enter into the service." [o]

The two statutes just noticed (the *23rd and 25th Edward 3rd*) are identical in their object, and must be taken as forming one enactment. They both aim at establishing uniformity of price, as well for commodities as for labour, and they likewise aim at effecting such a

[o] See Hume's History, vol. ii., p. 496, of the edition of 1782.

distribution of the labourers as would, in the opinion of the framers of these Acts, secure a proportionate supply to each locality. A new element is thus introduced, and an attempt now first made to fix and render permament that which in its very nature is variable and uncertain, and this, moreover, at a time when there were more than ordinary obstructions in the way of such legislation. The population of the country had been thinned by the destructive wars, foreign and domestic, of the preceding half-century. Hardly four years had elapsed since the battle of Crecy was fought by Edward the Third and his heroic son, and the fearful pestilence, said to have carried off nearly a moiety of the people, had only just ceased its ravages. At this period, when the labouring classes were diminished in number, and when the demand for labourers must consequently have been increased, the legislature commenced that series of attempts for establishing a low and uniform rate of wages, and also for confining the labourer to one particular locality, which was so long persevered in, inflicting much hardship, impeding improvement, and in the latter case ending, after an interval of three centuries, in establishing a general law of settlement.

1360-1. 34 Edw. III. Nine years after the last of the preceding Acts, *The 34th of Edward the 3rd* was passed, imposing an additional penalty upon labourers and artificers who absented themselves from their services, and directing that they should be branded on the forehead with the letter F, "in token of falsity." At the same time a fine of 10*l.* was imposed on the mayor and bailiffs of a town if they failed to deliver up a labourer or artificer who had left his service.

1363. 37 Edw. III. By *The 37th Edward the 3rd* a number of regulations were established on a variety of subjects, beginning with the price of poultry, which was fixed at 4*d.* for a goose, the same for an old capon, 3*d.* for a

young one, 2*d.* for a hen, and 1*d.* for a pullet. The Act then directs that merchants shall deal in one sort of merchandise only, on penalty of fine and forfeiture, and commissioners are appointed to enforce this provision. In like manner handicraftsmen are restricted to one trade or mystery, and the diet and apparel of servants are minutely regulated. "Grooms and servants of lords, as well as they of mysteries and artificers," are to have meat once a day of flesh or of fish, and the remnant of milk, butter, and cheese, and other such victuals, according to their estate; and they are to have clothes for their vesture or hosing, whereof the whole cloth shall not exceed two marks; and they are to wear nothing of silk or of gold or silver embroidered; and their wives and children are to be of like condition in their clothing and apparel. The Act then, with similar exactitude, prescribes the clothing and apparel to be worn by "handicraftsmen and yeomen, and by esquires and gentlemen, and by merchants and citizens, and by knights and by the clergy," and lastly, by "carters, ploughmen, drivers of the plough, oxherds, cowherds, shepherds, swineherds, and other keepers of beasts, threshers of corn, and all manner of people attending to husbandry, and all other people that have not forty shillings of goods and chattels." These latter, from the carter downwards, are prohibited from wearing "any manner of cloth but blanket and russet of 12*d.* a yard, with girdles of linen, according to their estate; and they are to eat and drink in the manner as pertaineth to them, and not excessively." And finally, "to the intent that this ordinance may be maintained and kept in all points without blemish, it is ordained that all makers of cloth within the realm shall conform them to make their cloths according to the price limited by this ordinance."

Clothes to be worn by the several orders of men prescribed.

Such were the restrictions imposed at this period on

native industry and enterprise, and this too in the reign of one of the ablest sovereigns who ever filled the throne. It has been justly remarked, "that there is not a reign among those of the ancient English monarchs which deserves more to be studied than that of *Edward the Third*, nor one where the domestic transactions will better discover the genius of that kind of mixed government which was then established in England." [p] On this account, therefore, it has been thought desirable to make fuller extracts from the statutes passed in this reign than might otherwise have been necessary, with the view of affording an insight into the opinions then prevalent, as well as into the habits of the people, their position with respect to their superiors, and the views of these latter as regards the duties reciprocally required from them.

That the attempt made to establish a uniform rate of wages was injudicious, that so long and as far as the attempt succeeded it would prove mischievous, and that in the end it would entirely fail, we are now well assured. The same may be said of the attempt to regulate apparel and the price of butcher's meat and other food. On these matters the general advance of intelligence has produced a corresponding improvement in modern legislation. But with respect to the restrictions imposed upon the labourer, chaining him as it were in one particular locality—however hurtful it may have been to the labourers themselves, however mischievous to the masters, and however impolitic in other respects—modern legislation has comparatively made little advance. On this head the ancient policy has continued to prevail in some shape or other ever since, and, in spite of experience and most conclusive reasoning to the contrary, virtually exists even at the present day.

[p] See Hume's 'History of England,' vol. ii. p. 499.

The circumstances which led to these enactments, and the motives by which the legislature were influenced, are sufficiently indicated in the Acts themselves. The demand for labour at that time exceeded the supply. War and pestilence had destroyed vast numbers of the people, and those who were left became of more value, of greater importance, required higher wages, were less obedient, less tractable, and no doubt acted in various ways differently from what they were wont to do at former periods—in short, they now probably tyrannised in their turn. This was all very natural; and it was natural also that the employers of labour, and the master-class generally, should feel aggrieved by this change. They would probably look back to the times of villeinage and serfdom with regret, and might wish to re-establish some portion of that control over the labouring classes which had been lost in the progress of society, and the want of which they were led by late events more urgently to feel, and to consider as necessary both for their own and for the general good.

It has been stated by a high authority that the origin of the English Poor Laws "was an attempt substantially to restore the expiring system of slavery;"[q] and this may, indeed, be said to have been the case as regards the statutes limiting the price of labour, and requiring persons to serve at certain rates of wages, and compelling residence in particular localities; but it can hardly be so said with respect to the enactments for repressing vagabondage, which was the open palpable evil of the day. The vagrant and vagabond class comprised all the idle and the dissolute, the perpetrators of burnings, robberies, murders, and every description of violence and crime. Beggars were

[q] See an article on Poor Law Reform, understood to be written by Mr. Senior, in the Edinburgh Review, No. 149.

generally vagrants, and often not distinguishable from them; and against this vagabond and vagrant class, taken as a whole, the coercive legislation of the period was directed, doubtless with a view to the suppression of violence and disorder, but without exempting the merely poor and destitute, who, although less culpable if culpable at all, were still regarded as portions of the class.

That there was at this time cause for coercive legislation cannot be denied. In describing the state of England at the end of Edward the Third's reign, Mr. Hume remarks,—"As to the police of the kingdom during this period, it was certainly better than during times of faction, civil war, and disorder, to which England was so often exposed. Yet were there several vices in the constitution, the bad consequences of which all the power and vigilance of the king could not prevent. The barons, by their confederacies with those of their own order, and by supporting and defending their retainers in every iniquity, were the chief abettors of robbers, murderers, and ruffians of all kinds, and no law could be executed against those criminals. The Commons make continual complaints of the multitude of robberies, murders, rapes, and other disorders, which they say were become numberless in every part of the kingdom, and which they always ascribe to the protection that the criminals received from the great. The King of Cyprus, who paid a visit to England in this reign, was robbed and stripped on the highway with his whole retinue."[r] On the preceding reign of Edward the Second (extending from 1307 to 1327) it is remarked, —"The disorders of the times from foreign wars and intestine dissensions, but, above all, the cruel famine which obliged the nobility to dismiss many of their retainers, increased the number of robbers in the king-

[r] See Hume's History, vol. ii. pp. 493, 369, 321, and 227, edition of 1782.

dom, and no place was secure from their incursions. They met in troops like armies, and overran the country. Two cardinals, themselves the pope's legates, notwithstanding the numerous train which attended them, were robbed and despoiled of their goods and equipage when they travelled on the highway." There was less disorder under Edward the First, of whose reign (from 1272 to 1307) the same writer remarks,—"The chief obstacle to the execution of justice was the power of the great barons; and Edward was perfectly qualified, by his character and abilities, for keeping these tyrants in awe and restraining their illegal practices. He took care that his subjects should do justice to each other, but he desired always to have his own hands free in all his transactions, both with them and with his neighbours." But in the feeble reign of his predecessor, Henry the Third, which continued for the long period of fifty-six years, and ended in 1272, a very different state of things existed. Mr. Hume, speaking of this reign, and quoting from the Chronicle of Dunstable, says "that men were never secure in their houses, and that whole villages were often plundered by bands of robbers, though no civil wars at that time prevailed in the kingdom."

These quotations are inserted as bearing testimony to the disregard of law, and the violence, disorder, and insecurity which prevailed throughout the country for a long period previous to the termination of Edward the Third's reign. Of this state of things vagabondism was both a cause and consequence, and against vagabondage in its various forms the enactments of the legislature were directed. The enactments, however, proved ineffectual. They neither put an end to vagabondage, nor prevented persons from seeking to better their condition by a change of service; for in 1376, just at the close of Edward's reign, we find the Commons making great complaints

Prevalence of violence and disorder.

that servants and labourers quitted service on the slightest cause, and then led an idle life in towns, or wandered in parties about the country, "many becoming beggars, others staff-strikers, but the greater number taking to robbing." To remedy these evils, the Commons propose that giving relief or charity to persons able to work should be prohibited; that vagrant beggars and staff-strikers should be imprisoned until they consented to return home to work; and that whoever harboured a runaway servant should be liable to a fine of 10*l.*, an immense sum in those days. This proposal of the Commons does not, however, appear to have been adopted by Parliament; and the death of the king, not long after, put a stop to further proceedings in the matter for a time.[s]

The administration of Edward the Third was much less vigorous and popular in the latter years of his reign than it had been in the earlier portion; and the disorders which he at first repressed with a strong hand began again to prevail, preparing the way for that struggle between the master and the servile classes, which broke out with so much violence in the time of his grandson and successor. The extreme youth and the feeble character of Richard the Second ill qualified him for dealing with the difficulties of the position to which he succeeded, and his unfortunate reign of twenty-two years presents one continuous scene of violence and disorder.

Richard II. 1377-1399.

The first Act in connexion with our subject, after the accession of the new sovereign, was *The 1st Richard the 2nd, cap.* 6. It refers to grievous complaints by the Lords and Commons of villeins and land-tenants withdrawing their services "under pretext of exemplifications from the Book of Domesday, and by their evil interpretation of the same they affirm them-

1377. 1 Richard II., cap. 6.

[s] See Sir Frederick Eden's 'History of the Labouring Classes,' vol. i. p. 42.

selves to be quit and utterly discharged of all manner of servage (serfage) due as well of their body as of their said tenures, and will not suffer any distress or other justice to be made upon them, but do menace the ministers of their lords, and gather themselves together in great routs, and agree by such confederacy that every one shall aid other to resist their lords with strong hand, to the great damage of their said lords and evil example to other to begin such riots." It is then ordained that the lords which feel themselves grieved, shall have special commissions under the great seal, addressed to the justices of peace and other sufficient persons, "to inquire of all such rebels, and of their offences, their counsellors, maintainers, and abettors, and to imprison all those that thereof shall be endited before them, as well for the time past as the time to come, without delivering them out of prison by mainprise, bail, or otherwise, without assent of their lords, till they thereof be attainted or acquit. Provided always that if the said villeins or land-tenants, rebels, be thereof attainted, they shall in no wise be delivered till they have made a fine to the king, and also have the assent of their lords aforesaid."

This enactment plainly indicates what was then working in the popular mind, which was further manifested in the following year by the passing of *The 2nd Richard the 2nd, cap.* 6, which recites that the king hath perceived, as well by complaints made to him as by his own knowledge, "that divers of his liege people in sundry parts of this realm, as also the people of Wales, in the county of Hereford, and the people of the county of Chester, with the counties adjoining, some of them claiming to have right to divers lands, tenements, and other possessions, and some espying women and damsels unmarried, and some desiring to make maintenance in their marches, do gather them together to a great number of men-of-arms and archers in the manner of war, and confederate themselves by oath and

1378. 2 Richard II., cap. 6.

other confederacy, not having consideration to God nor to the laws of Holy Church, nor of the land, nor to right nor justice; but, refusing and setting apart all process of the law, do ride in great routs in divers parts of England, and take possession and fix themselves within divers manors, lands, and other possessions, of their own authority, and hold the same with such force, doing there many apparelments of war; and in some places do ravish women and damsels, and bring them into strange countries, where please them; and in some places lying in wait with such routs, do beat and maim, murder and slay the people, for to have their wives and their goods, and the same women and goods retain to their own use; and sometimes take the king's liege people in their houses and bring and hold them as prisoners, and at the last put them to fine and ransom, as it were in a land of war; and sometimes come before the justices in their sessions in such guise with great force, whereby the justices be afraid, and not hardy to do the law; and do many other riots and horrible offences, whereby the realm is put in great trouble," &c. For remedy of which evils, and desiring above all things the peace and quietness of the realm, and that the good laws and customs thereof be kept and maintained in all points, and offenders duly punished, it is ordained by the king, with the assent of Parliament, "that none be so hardy from henceforth as to do anything that shall be in affray of the people or against the peace." And it is further ordained, "that certain sufficient and valiant persons, lords and others, shall be assigned by the king's commission in every county, which shall have power, as soon as they know or be credibly certified of any assemblies, routs, or riotings, of offenders, baratours, and other such rioters, in affray of the people and against the peace, to arrest them incontinent without tarrying for indictments or other process of law, especially the chieftains and leaders of such routs, and send them to the next gaol,

Riots, combinations, and daring outrages.

with the cause of their arrest clearly put in writing, there to abide till the coming of the justices into the country, without being delivered in the mean time by mainprise, bail, or other manner."

The daring outrages here described seem to warrant the application of such a remedy as is here provided; yet from some cause, whether proceeding from its maladministration or the dislike of the "valiant persons" selected to carry it into effect, or jealousy of the sovereign power, this enactment seemed "very grievous" to the Commons, and at their prayer it was "utterly repealed and annulled" the next year, and all who had been imprisoned under it, "without other indictment," were declared to be "utterly delivered." The Statute of Northampton (*2nd Edward the 3rd, cap.* 3),[t] providing for such offences in the ordinary course of law, was at the same time confirmed. An eminent writer on Constitutional Law remarks, with reference to the immediate repeal of this enactment at the instance of the Commons, that "so sensitive was their jealousy of arbitrary imprisonment, that they preferred enduring riot and robbery to chastising them by any means that might afford a precedent to oppression, or weaken men's reverence for Magna Charta." [u]

These two statutes of Richard the Second show that a great social revolution was then in progress. Persons who had long been held in a state of bondage, were day by day more strenuously manifesting their determination to be free; and the smaller holders of land, who were liable to be called upon by their lords for a certain amount of labour, or were required to perform certain services in lieu thereof, were evading the performance, and obtaining by force or by fraud exemption from their accustomed tasks. It was in short a struggle of the servile many against the claims of the superior few;

[t] Ante, p. 32.
[u] See Hallam's 'Middle Ages,' vol. iii. p. 253.

and, like all such struggles, it was pretty certain in the long run to terminate in favour of the greater number. Yet the nobility and gentry, the chivalry of England, strove hard to retain their ancient authority over their vassals of every degree, and relinquished it only, as it were, inch by inch, as it was successively wrested from them by the pertinacity of the peasantry and the people, who it must be confessed did not always make a moderate or a right use of their victory.

This contest could not fail to generate a certain amount of hostile feeling between the master and inferior classes, and it is remarkable that a similar state of things existed at this time both in Flanders and in France, the two countries most intimately connected with England, and with whose people our own were in habits of continual intercourse. There can be little doubt therefore that the feeling prevalent in one country was communicated to, and produced an effect upon, the others. The movement in each tended to the same objects, that is, to the emancipation of the people from villeinage, serfage, and forced servitude of every kind, and to an assertion of personal freedom and equality of civil rights.

Spread of freedom.

In Flanders this spirit of independence had been nurtured by, if it did not owe its origin to, the commercial enterprise and manufacturing industry which had long flourished there; and which, wherever prevalent, has not failed to give rise to free and liberal institutions. England may have felt somewhat of a like influence, commerce having been fostered and encouraged throughout the long reign of Edward the Third, as the numerous Acts respecting it passed therein sufficiently testify. He also promoted the establishment of a native woollen manufacture, English wools having previously been for the most part exported, generally to Flanders, for the purpose of being made into cloth.

The growth of manufactures in England would necessarily draw people from the rural districts into towns, and their congregating there would probably lead in the majority of cases to their emancipation from the control of their former masters. That such was the consequence may be inferred from the *34th Edward the 3rd*, A.D. 1300, by which a fine of 10*l.* to the king was imposed on the mayor and bailiffs of any town "who refused to deliver up a labourer, servant, or artificer," who had absented himself from his master's service, together with a further fine of one hundred shillings to be paid to the person whose claim for the delivery of any such labourer, servant, or artificer had been so refused.

Early in the summer of 1381, less than three years after the passing of the *2nd of Richard the 2nd*, the outbreak under WAT TYLER took place. 1381. Wat Tyler's Rebellion. The ostensible cause was the people's dislike of the poll-tax of a groat a head, which had been imposed in 1377 upon every person of fourteen and upwards; but the public mind was then in a state fitted for the reception of any violent impulse. The train was laid, and a casual spark would ignite it. The explosion was in this instance caused by the indecent conduct of a collector of the tax towards a young female, the daughter of one Walter, a tyler, residing in the town of Dartford, who immediately with his hammer beat out the collector's brains. The bystanders applauded the action, and flew to arms, exclaiming that it was time for the people to assert their liberty, and take vengeance on their oppressors; and the flame rapidly spread throughout the county. Walter the Tyler, or "*Wat Tyler*" as he was called, was appointed their captain, and, by the time the insurgents reached Blackheath, their number is said to have amounted to a hundred thousand. The demands made by these peasant rebels were four—

1st. The total abolition of slavery for themselves and their children for ever.

2nd. The reduction of the rent of good land to 4*d.* the acre.

3rd. The full liberty of buying and selling, like other men, in all fairs and markets.

4th. A general pardon for all past offences.

These demands would now be all considered reasonable and proper, except the second, the tenor of which would lead one to infer that the insurgents did not consist of the peasantry merely, but that the inferior tenants and small occupiers of land took part in the movement. The demands were at once acceded to by the young king; but the insurgents became more confident and exacting as their numbers increased, and the commotion was at length terminated by the death of Wat Tyler in Smithfield, and by the king's putting himself at the head of the rioters when Tyler fell, and calling upon the people to follow him as their leader, which, after a little wavering, they instinctively did.

This outbreak was not confined to Kent and the counties near London, but it spread nearly throughout the whole of England, and everywhere the leaders avowed similar objects. The power of the insurgents, however, fell with the dispersion of their main body at Smithfield; and although there was at first some talk of abolishing villeinage, with a view to the prevention of similar outbreaks in future, the great lords and the master class, when the danger was over, evinced little disposition to adopt a more liberal policy, either by emancipating their serfs, or relinquishing any of their old prescriptive rights. On the assembling of Parliament an Act was passed (*The 5th Richard 2nd*) granting pardon to all who had exceeded the limit of law in repressing the late "insurrection of villeins and other offenders," and ordaining that "all manumissions, obligations, releases, and other bonds,

1381. 5 Richard II.

made by compulsion, duress, and menace in the time of the late rumour and riot, shall be wholly annulled and holden for void;" and any person who should in future make or begin any such riot and rumour is declared to be a traitor to the king and to the realm. Thus ended this brief struggle for liberty on the part of the people. But although apparently fruitless at the time, it served to show the power of the masses when roused into action by any strong impulse, however sudden and unpremeditated. It also taught the superior orders that there were limits to their authority, and that forbearance and conciliation were necessary even for their own security—an important lesson, fraught with great benefit to the servile classes, and leading to their gradual but certain amelioration.

1381. Amount of population.

The imposition of the poll-tax, which led to Wat Tyler's rebellion, afforded means for estimating the amount of population. There were doubtless many omissions, but it appears that 1,367,239 persons paid the tax, exclusive of Wales, Chester, and Durham; and Mr. Chalmers concludes that the population of England and Wales at that time was about 2,350,000. Mr. M'Culloch concurs in this conclusion, which he thinks "is not very wide of the mark;" but he further observes, that "the data are obviously too loose and unsatisfactory to enable any one to pronounce with any certainty with respect to it."[x]

1383. 7 Richard II.

Two years after these events, by *The 7th Richard the 2nd*, the Statute of Winchester (*13th Edward the 1st*)[y] was again confirmed, as was also the *5th Edward the 3rd, cap.* 14.[y] And at the same time it was ordained, "that the justices and the sheriffs in every county shall have power to inquire of all vagabonds and feitors, and upon them to do that the law demandeth; and that bailiffs, constables, and other

[x] See M'Culloch's 'Statistical Account of the British Empire,' vol. i. p. 396.
[y] Ante, pp. 22 and 32.

governors of towns and places where such feitors and vagabonds shall come, shall be empowered to examine them diligently, and compel them to find surety for their good bearing; and if they cannot find such surety, they shall be sent to the next gaol, there to remain till the coming of the justices for deliverance of gaols, who shall do upon such feitors and vagabonds that which to them best shall seem by the law." This enactment is exceedingly vague, and seems to have aimed at finding a remedy for an evil of great magnitude, by conferring an almost unlimited power on the judges, in whose discretion the law itself as well as its application was thus vested; but, like all which preceded it, this enactment failed as a remedy for the evils complained of, and vagabonds, "feitors," and mendicants continued to infest the country as before.

We are now arrived at *The 12th Richard 2nd*, the statute which has been usually considered the origin of our English Poor Law. But in the present work, all enactments affecting the industrious classes, or bearing materially upon the condition of the people, are regarded as partaking more or less of the nature of a Poor Law; every such enactment being intended, if not actually calculated, to prevent the occurrence and spread of poverty, or else to apply a remedy wherever poverty existed in such a form, or to such an extent, as to be a nuisance or source of danger to the community. *The 12th Richard the 2nd* is, however, a very important statute. It begins by confirming the two statutes of the *23rd and 25th Edward the Third*[z] respecting artificers and servants, and then ordains, "That no servant or labourer, be he man or woman, shall depart at the end of his term out of the hundred, rape, or wapentake where he is dwelling, to serve or dwell elsewhere, or by colour to go in pilgrim-

1388. 12 Rich. II.

[z] Ante, pp. 32 and 39.

age, unless he bring a letter patent containing the cause of his going, under the king's seal, which for this intent shall be assigned to the keeping of some good man at the discretion of the justice of the peace. And if any servant or labourer be found in any city or borough or elsewhere wandering without such letter, he shall be taken and put in the stocks, and kept until he hath found surety to return to his service, or to serve and labour in the town from whence he came." And it is further ordained that none receive such servant or labourer without such letter testimonial, upon a pain to be limited by the justices; and likewise that servants, artificers, and apprentices "shall be compelled to serve in harvest, to cut, gather, and bring in the corn."

Complaint is then made that "servants and labourers will not serve and labour without outrageous and excessive hire, and much more than hath been given in any time past, so that for scarcity of the said servants and labourers the husbands and land-tenants may not pay their rents, nor scarcely live upon their lands, to the great damage and loss as well of the lords as all the commons; and also because the hires of the said servants and labourers have not been put in certainty before this time,"—wherefore it is ordained that the following shall be the wages of servants in husbandry:—

	s.	d.	
A bailiff, by the year, with one suit of clothes	13	4	1388. Rates of wages.
A master hine, carter, and shepherd, each	10	0	
The oxherd and the cowherd, each	6	8	
The swineherd, deyrie woman, and a woman labourer, each	6	0	
A driver of the plough, at the most	7	0	

"and every other labourer and servant according to his degree, and less in the county where less was wont to be given, without clothing, courtesie, or other reward by covenant." And if any give or take more than is above specified, for the first offence, the giver and the taker are each to pay the value of the excess so given or taken, and for the second offence double the amount,

and for the third offence treble the amount; and in default of such payment, to "have forty days' imprisonment."

It would seem from these enactments that there was a scarcity of agricultural labourers at this time, which is further indicated by a subsequent provision in this Act, directing "that he or she which use to labour at the plough and cart, or other labour or service of husbandry, till they be of the age of twelve years, shall abide at that labour without being put to any mystery or handicraft; and if any covenant or bond of apprentice be from henceforth made to the contrary, the same shall be holden for none." The people were now therefore apparently drawn from the rural districts into towns, by the higher wages and greater comfort to be there obtained. The apprenticing of youths and children to trades and other urban occupations was another drain upon the country population. And lastly, the great boon of freedom from servitude, which villeins and serfs acquired by residing a year and a day in a town, could not fail of making them eagerly desirous of removing thither, whenever they could escape from their rural masters.

Agricultural labourers.

The towns would naturally increase in wealth as arts and civilization extended, and with this extension there would be an increased demand for labour. Various manufactures—the establishment of which Edward the Third so wisely promoted—had now, moreover, taken root, and were producing their usual fruits, diffusing intelligence, and liberalising and improving the habits and condition of all who came within their influence. Of this diffusion of intelligence and improvement, the towns were the centres; and it was as natural that the rural population should be drawn to them, as that the lords of the soil should regard them with jealousy and dislike. Town communities have ever been the advocates of freedom, and the opponents of tyranny in any shape.

After thus prohibiting servants and labourers from

wandering, whether in search of employment or for other cause, and fixing the rates of wages to be paid to them, the Act (*12th Richard 2nd*) directs "That every person that goeth begging, and is able to serve or labour, it shall be done of him as of him that departeth out of the hundred or other place without letter testimonial, as afore is said." And "that beggars impotent to serve shall abide in the cities and towns where they be dwelling at the time of the proclamation of this statute; and if the people of the cities and towns will not, or may not, suffice to find them, that then the said beggars shall draw them to other towns within the hundred, rape, or wapentake, or to the towns where they were born, within forty days after the proclamation made, and there shall continually abide during their lives." The impotent poor.

This is the first enactment in which the impotent poor are directly named as a separate class, which is the chief reason that it has been referred to as the origin of our Poor Laws. But although "beggars impotent to serve" are directed to remain for the rest of their lives in the places where then resident, or where they were born, no provision is made for their sustenance in such places; no relief is there provided for them; and they are left to chance or casual charity for support, the only object apparently being to prevent their wandering about the country. Some approach to the principle of settlement seems to have been in the minds of the framers of this statute, since the impotent poor are required to abide or remain in certain places; but as no obligation is imposed on those places to afford them support, it cannot be said that either settlement or compulsory relief was directly contemplated. Both the one and the other had their origin at a subsequent period; and the chief characteristic of the *12th Richard the 2nd* is, the fact of its having openly recognised the distinction between "beggars able to labour," and "beggars impotent to serve."

The attempt made in this statute to restrain servants and labourers from quitting the hundred, rape, or wapentake where they were dwelling, and the attempt to regulate the amount of wages they were to receive, require no comment. Both the one and the other must have proved futile. The latter was immediately found to be so, for in the year following, by *The 13th Richard 2nd, cap.* 8, it was enacted, "Forasmuch as a man cannot put the price of corn and other victuals in certain," the justices in sessions at Easter and Michaelmas "shall make proclamation, according to the dearth of victuals, how much every mason, carpenter, tiler, and other craftsmen, workmen, and other labourers by the day, as well in harvest as in other times of the year, after their degree, shall take by the day, with meat and drink, or without meat and drink, between the two sessions beforesaid." And it is further ordered that "victuallers shall have reasonable gains, according to the discretion and limitation of the said justices, and no more, upon pain to be grievously punished." It may also be inferred that the restrictions as to the residences of the impotent poor had been found inconvenient in some cases, as three years later, by *The 15th Richard 2nd, cap.* 6, it was enacted, that in every licence of the appropriation of any parish church (that is, the appropriation of its revenues to some cathedral, monastic, or other religious institution), it shall be expressly provided that "the diocesan shall ordain a convenient sum of money to be distributed yearly of the fruits and profits of the same to the poor parishioners, in aid of their living and sustenance for ever;" and this enactment was confirmed in the following reign.

1389-90. 13 Rich. II.

1392. 15 Rich. II. cap. 6.

The 13th Richard 2nd, cap. 13, is an Act of some importance in connexion with our subject, it being the first of that series of enactments for the preservation of game which have had a certain influence on our rural population, and been not alto-

1389-90. 13 Rich. II. cap. 13.

gether without it on those in the towns. The Act recites, "Forasmuch as divers artificers, labourers, servants, and grooms keep greyhounds and other dogs, and on the holydays, when good Christian people be at church hearing divine service, they go hunting in parks, warrens, and connigries of lords and others, to the very great destruction of the same; and sometimes under such colour they make their assemblies, conferences, and conspiracies, for to rise and disobey their allegiance." It is then ordained and assented, "That no manner of artificer, labourer, nor any other layman, which hath not lands or tenements to the value of 40*s.* by year, nor any priest nor other clerk, if he be not advanced to the value of 10*l.* by the year, shall have or keep from henceforth any greyhound, hound, or other dog to hunt; nor shall they use fyrets, heys, nets, harepipes, nor cords, nor other engines, for to take or destroy deer, hares, nor conies, nor other gentlemen's game, upon pain of one year's imprisonment; and that the justices of peace have power to inquire, and shall inquire, of the offenders in this behalf, and punish them by the pain aforesaid." We here see a privileged class and a property qualification established, and penalties imposed on persons taking game if not so qualified, who are likewise prohibited from keeping dogs, ferrets, nets, or engines of any kind by which "gentlemen's game" may be taken or destroyed. This is the groundwork of our game-laws, which, with various modifications, have continued to the present day.

Artificers and labourers prohibited from killing game.

CHAPTER II.

Laws of Henry IV. — Progress of improvement — Wealth and intelligence of towns — Hotspur's rebellion — Enactments relating to the Welsh — Apprenticing in towns — Increase of vagrancy — Transition from vassalage to independence — Necessity of relief for poverty — Laws of Henry V. — Population — Abuse of charities — Wars with France — Laws of Henry VI. — Wages — Threatening letters — Restrictions on foreign merchants — Price of wheat — Cade's insurrection — Laws of Edward IV. — Sumptuary laws — Remarks by Adam Smith and Blackstone — Commercial prohibitions — State of agriculture — Laws of Richard III. — Restrictions on Italian merchants — Wars of York and Lancaster — Extinction of feudalism — Laws of Henry VII. — Increase of wealth and general improvement — Alarm at increase of pasturage — Increase of vagabonds and beggars — Modification of apprenticeship laws — Wages — Maritime discoveries — Vagrancy — Population.

IN September, 1399, Richard was deposed, on the ground of his being weak, violent, and incapable of governing; and his cousin, the Duke of Lancaster, succeeded him, under the name of Henry the Fourth.

[Henry IV. 1399–1413.

However doubtful may have been the right of Henry to the crown, he began his reign judiciously by providing for the protection of traders, whether foreign or native. *The 1st Henry the 4th, cap.* 17, recites and confirms the statute passed in the sixth year of his predecessor, by which it was ordained, "that every foreigner and alien, being of the king's amity, and coming to the city of London, and other cities, boroughs, and towns within the realm, as well within the liberties as without, with fish and all manner of other victuals, there tarrying and returning, shall be from henceforth under the safeguard and special protection of the king." This is not so full, nor given in so free a spirit, as in *the 9th and 25th of Edward the 3rd.*[a] There is a hearty and comprehensive earnest-

1399. 1 Henry IV., cap. 17.

[a] Ante, p. 32.

ness in the wording of these which must have told well with merchants, both foreign and native, and given confidence that they would be protected in their dealings. Such protection, and the opportunity of free interchange of commodities, are in fact all that traders require: everything else depends upon the wants of the parties with whom they deal; upon abundance in one place and deficiency in another—in short, upon supply and demand. This important truth appears to have been well understood by Edward the Third. He encouraged trade by protecting traders. He naturalized our woollen manufacture by encouraging Flemish weavers to settle here, and protecting them in their operations. And thus he laid a foundation for improvement on the sure ground of labour and the profitable employment of capital, by which the condition of the people would be ameliorated, and through which their freedom from vassalage and their social elevation were eventually achieved.

Progress of improvement.

During the preceding half century, comprising twenty years of the reign of *Richard the Second*, and the last thirty years of *Edward the Third*, great improvement had taken place in the condition of the people and of the country generally. In the early part of Edward's reign, pestilence and war had thinned the population and retarded improvement; but the firm and vigorous government that he after a time succeeded in establishing, and the encouragement and protection he so wisely extended to trade, could not fail of operating beneficially, and the effects continued throughout the feeble reign of his successor, notwithstanding the disorders by which it was disgraced, and the violence by which it was terminated. The seeds of amelioration thus sown struck deep into the soil, and the mild influence of commerce prepared the way for and hastened their development.

The freedom and many comforts enjoyed by the

persons residing in a town, would naturally excite a desire for similar enjoyments in the rural population, then in a state of servile dependence, and possessing scarcely any of the comforts and few of the conveniences of life. If a villein succeeded in acquiring a little property he was driven to conceal it, as, if discovered, it would belong to his master; and in order to preserve it he would probably take the first opportunity of escaping to a town, where, if he could conceal himself from the pursuit of his lord for a year and a day, he would be free for ever. Whatever stock was accumulated by the most industrious and intelligent of the peasantry, was naturally therefore transferred to the towns, where alone it could be securely enjoyed; and hence the increase, and in most cases the superior wealth and intelligence, of the urban population.

Superior wealth and intelligence of the towns.

At the accession of Henry the Fourth, emancipation from villeinage had doubtless made considerable progress, as compared with what existed at the Conquest, or a century subsequent. The rebels in Wat Tyler's insurrection were many, if not mostly, villeins; and their demands show them not to have been ignorant of the great essentials of liberty. Although their requests, granted at first, were afterwards revoked, and although many of them were punished, it may still be presumed that the spirit then manifested, and the success they for a time achieved, would not be without effect upon their masters, nor fail to stimulate a continual longing after freedom in themselves. With such a desire actuating the great mass of the people, the transition from a state of servitude to one of free labour must have been rapid, despite the difficulties by which every such change is necessarily beset.

The first two or three years of Henry the Fourth's reign were distracted by civil commotions, the natural attendants on his irregular accession to the throne. The Percies in the north rebelled

Rebellion under the Percies and Owen Glendower.

against him, and the Welsh under Owen Glendower endeavoured to throw off the dominion of England. The ancient feud between Celt and Saxon broke forth with renewed inveteracy, plunging all the border counties into a state of turmoil and insecurity. Although these circumstances may not have materially retarded the great change from servitude to freedom then in progress, they must necessarily have impeded improvement in other respects. The excesses committed by the Welsh appear to have been very great, judging from the character of the legislation to which they gave rise, and which must have tended to throw the two races still farther apart, instead of drawing them closer and promoting their amalgamation, as would have been the true policy.

In *The 2nd Henry the 4th, cap.* 16, complaint is made "that the people of Wales, sometimes by day and sometimes by night, cometh within the counties joining upon the marches of Wales, and doth take divers distresses of horses, oxen, kine, sheep, swine, and other goods, and the same doth carry away. And also doth daily arrest the people of the said counties coming with their merchandises or other their goods and chattels, to the great impoverishing of the people of the said counties." For prevention of which evils, the lords marches are directed to keep sufficient ward; and it is, moreover, ordained that no Welshman shall be permitted to purchase lands in England, and that no "whole Englishman" shall be convicted at the suit of any Welshman, except by an English judge or jury. It appears that hostile feelings towards the Welsh continued to increase; as two years afterwards, by *The 4th. Henry the 4th, cap.* 29, it was ordained that no Welshman should be permitted to carry arms; that neither victuals nor armour were to be taken into Wales; that Welshmen were not to have castles, and that all castles and walled towns in Wales were to be kept by Englishmen; and

1400–1. 2 Henry IV.

1402. 4 Henry IV., cap. 29.

lastly, that "an Englishman who married himself to a Welshwoman shall not be put in any office in Wales or in the marches of the same."

It was not until the seventh year of Henry's reign that he seems to have had leisure to attend to the domestic condition of his people. The statutes of the 25*th Edward the* 3*rd*, and the 12*th Richard the* 2*nd*,[b] "touching labourers, artificers, and other servants of husbandry," were then confirmed by *The* 7*th Henry the* 4*th, cap.* 17, which goes on further to recite, with respect to the apprenticing of children, that, "notwithstanding the good statutes aforemade, infants, whose fathers and mothers have no land, nor rent, nor other living, but only their service or mystery, be put to serve and bound apprentices to divers crafts within cities and boroughs, sometime at the age of twelve years, sometime within the said age, and that for the pride of clothing and other evil customs that servants do use in the same; so that there is so great scarcity of labourers and other servants of husbandry, that the gentlemen and other people of the realm be greatly impoverished for the cause aforesaid," —for remedy whereof it is ordained, "That no man or woman, of what estate or condition they be, shall put their son or daughter of whatsoever age to serve as apprentice to no craft nor other labour within any city or borough, except he have land or rent to the value of twenty shillings by the year at the least, upon pain of one year's imprisonment, and fine and ransom at the king's will; and if any covenant be made to the contrary, it shall be holden for none." If any person received an apprentice contrary to this ordinance, he was to forfeit a hundred shillings.

1405–6. 7 Henry IV., cap. 17.

The object of this enactment is explained in the preamble. There was a scarcity of servants and other labourers in husbandry, and this scarcity would be in-

[b] Ante, pp. 39 and 56.

creased by apprenticing children to handicrafts and other occupations in towns, which it appears was still practised in contravention of the Act of Richard the Second. Such apprenticing was, therefore, felt to be a grievance by "the gentlemen and other people of the realm;" meaning, of course, the landowners and master class, who would by this means lose the control over some of their villeins, vassals, bondmen, or servants, since every child so apprenticed would become free, in like manner as every adult person who resided in a town for the space of a year became free. We cannot wonder, therefore, at the jealousy and dislike of towns, and of this practice of apprenticing children therein, felt by the aristocracy and the lords of the soil, nor at their attempting to prevent the consequences to which they saw it would give rise.

This statute of *Henry the Fourth* further directs, that "once in the year all the labourers and artificers dwelling in the same leet, shall be sworn to serve and take for their service after the form of the said statutes (*25th Edward 3rd and 12th Richard 2nd*); and if they refuse that to do, they shall be put in the stocks within the town where they be taken, for three days, without bail or mainprise, till they will make gree, and from thence they shall be sent to the gaol." This was the last Act of Henry the Fourth's reign having reference to our present subject; and it will be seen that little more was done by him than to confirm the Acts of his two immediate predecessors, under whom the change from a state of bondage to one of freedom was continually advancing. This change, most important in itself, carried with it a variety of consequences, which probably were not contemplated at the time, nor felt till long afterwards. One of these consequences requires to be noticed, it being immediately connected with the subject in hand.

So long as the great body of the people were held in

bondage, without individual rights or responsibilities—so long as they were the property of the owners of the soil, of which it may be almost said they formed a part—they could not be considered poor in the legal sense of the term. They were the absolute property of their masters, who must provide for their wants, as the condition on which they commanded their services. They were not, in strictness, subjects of the state, but bondmen, servants, slaves of the territorial lords, who were responsible for their conduct, and to whom they looked for protection and support. No sooner, however, did this state of absolute dependence on their masters cease, and the people begin to assert the right of free action, and to undertake their own natural responsibilities, than poverty or want more or less intense must have occurred among them—want, for which there was no legally appointed means of relief—poverty, from the pressure of which there was no immediate refuge. A man freed from vassalage, and thus pressed by his necessities, with nothing more than his own efforts to rely upon, would often and almost unavoidably become a wanderer, in search of employment as a means of subsistence if of industrious and honest habits, in search of subsistence by other courses if idle or dishonestly disposed.

As the number of persons thus freed from bondage increased, the number of such wanderers would increase likewise; and with this increase of number there would be a greater tendency to evil courses, as well as a greater power of working mischief, and thus their existence would become a source of danger to the rest of the community; for what can be more dangerous than a body of men linked together by a common want, and sufficiently numerous to set the law at nought, and enforce their demands however disorderly or extravagant?

Emancipation from vassalage leads to an increase of vagrancy.

Such was the state of things which had been gradually growing up, and against which legislation was directed,

but apparently with little success, from the time of Edward the First downwards. By the *12th of Richard the 2nd*,[c] an attempt was made to separate the impotent poor from the great mass of itinerant poverty, and to compel them to relinquish their vagrant habits and become stationary. But as no provision was made for their support within the limits to which they were restricted, they would, as a matter of course, if not of necessity, continue to resort to the places where they could most readily obtain the means of satisfying their wants; and, against the cravings of actual want, legal restrictions present but a feeble barrier.

The chief difficulty however was not with respect to the impotent poor, whose infirmities rendered them comparatively powerless for mischief: it was the mass of unemployed able-bodied wanderers, professedly seeking employment, who constituted the greatest difficulty. A portion of these wanderers may be presumed to have been desirous of living by honest labour; but many, and probably the larger number, were of a different class, idle or vicious, beggars rather than workers, and not unfrequently the perpetrators of crimes which their numbers enabled them to commit with impunity. This was an evil perhaps unavoidably resulting from the breaking up of vassalage and serfdom. The slave could not be immediately changed into a free labourer. There must of necessity be a period of transition, and a long struggle between the two antagonistic systems; and whilst this struggle was continued, the condition of the free labourer would be precarious, and subject to occasional want and privation. The existence of serfdom would, so long as it lasted, interpose an embarrassing element between the employer and the labourer, and would tend to depress the wages of the latter as well as render employment on any terms uncertain;

[c] Ante, p. 56.

and it would not be until after the transition period had passed, and the struggle between the two systems had entirely subsided, that the labourer could be said to be really free for the unrestricted exercise of his vocation, or that the opportunity of living by his own independent exertions was secured to him. Such transition must therefore, from its very nature, be always painful and beset with difficulty and privation to the labouring class, however favourable the circumstances under which it may be effected.

Transition from vassalage to independence.

Even when the transition from a state of vassalage had been passed, and equality of civil rights established, the labourer, then free, would be occasionally exposed to distress and suffering, through sickness, want of employment, and the other casualties of life. A man thus circumstanced must be deemed *poor*, in contradistinction to the villein or serf, who could not be so considered, because his master was at all times bound to provide for him. It is therefore only when *free*, that men can be so reduced as to be *poor*, in the strict sense of the term—that is, reduced to a state of actual want and destitution, for the relief of which they are not entitled to claim assistance in any quarter; and for such persons a special provision of some kind seems to be required, in order to prevent their necessities rising to such a head as would drive them to the commission of crime, and compel them to prey upon the community.

With freedom relief for poverty becomes necessary.

Henry the Fifth succeeded to the throne on the death of his father in 1413, and shortly after his accession he entered upon that series of wars for establishing his claim to the French crown, which continued throughout his reign, and was left as an unhappy legacy to his infant successor, draining England of its people and its wealth, and inflicting much mischief and misery on both countries. Destructive as these wars were, and mischievous in every

Henry V. 1413–1422.

sense, they yet seemed to establish one fact of no little importance as regards the condition of the people, namely, that the feudal system had at this time become so much weakened as no longer to serve for the defence of the kingdom. When Henry in 1415 proceeded to France, instead of relying as aforetime upon the feudal retainers of the crown, and the nobility and great territorial lords, he was compelled to issue a commission of array, empowering certain persons therein named to review all freemen able to bear arms in the several counties, and to array and keep them in readiness to repel an enemy. At this time the population of England and Wales did not probably fall much short of three millions. We have seen it estimated at 2,350,000 in 1377,[d] and another authority makes it amount to 2,700,000 at the beginning of the fifteenth century,[e] and there is no reason to suppose that it did not go on increasing down to the commencement of the waste and devastation of the French wars.

1415. Amount of population.

By *The 2nd of Henry 5th, c.* 4, the statute of the *12th Richard the 2nd*, "and all other good statutes of labourers made and not repealed," are ordained to be firmly holden and kept and put in due execution, and proclamation thereof by the sheriffs in full county was directed to be made. The justices of peace were likewise empowered "to examine all manner of labourers, servants, and their masters, as well as artificers, by their oaths, of all things done contrary to the said ordinances and statutes, and to punish them upon their confession, as though they were convict by inquest." This large and irresponsible power conferred upon the justices could hardly fail of leading to much tyranny and oppression.

1414. 2 Henry V., cap. 4.

It appears by the first clause of this statute, that great abuses then existed in the administration of

[d] See ante, p. 55.
[e] 'Pictorial History of England,' book v. cap. vii. p. 269.

certain hospitals, which had been founded "to the honour of God and of his glorious mother, in aid and merit of the souls of the founders," for the reception of "impotent men and women, lazars, men out of their wits, and poor women with child, and to nourish, relieve, and refresh other poor people in the same;" which hospitals, it is said, "be now for the most part decayed, and the goods and profits of the same by divers persons, as well spiritual as temporal, withdrawn and spent in other uses, whereby many men and women have died in great misery for default of aid, living, and succour, to the displeasure of God and peril of the souls of such spenders." Inquisition is accordingly ordered into these abuses, which are not very dissimilar to what we sometimes hear complained of at the present day with respect to charitable institutions. It appears, however, that there was much need of some such established aid for the poor at that time, since "many men and women had died in great misery for default of it;" and this fact, with the others before noticed, warrants the conclusion that villeinage had now become greatly reduced, if not nearly extinct, in England, and that it formed the exception rather than the rule.

Abuse of charitable institutions.

The 4th of Henry the 5th, cap. 4, repeals the penalty to which a person was subjected who paid higher wages than is prescribed by the *12th of Richard the 2nd*, on the ground that "the givers of such wages will in no wise present such excesses to eschew their own punishments, to the great loss of the king, and grievous damage of the lords and other people, because of the non-punishment of the defaults of servants and labourers;" and it is then ordained that "the pain contained in the said statute shall run only upon the taker." These must all be regarded as efforts on the part of the superior orders, to depress and keep down the working classess below the natural level

1416. 4 Henry V., cap. 4.

which they were struggling to attain. Serfage and villeinage had passed or were fast passing away. The demand for labour had increased, and the labourers were endeavouring to obtain proportionally higher wages. But the legislature, consisting entirely of the employers of labour, interposed to prevent the rise thus warranted by circumstances, and strove to keep the rate of wages below its natural limit. This it might perhaps be possible to accomplish partially, and for a time; but the waters would soon rise, and sweep away the puny mounds which a short-sighted legislation attempted to build up to arrest their progress, and the elements of supply and demand would assert their supremacy in this as in other matters.

The 9th Henry 5th, cap. 5, passed in the last year of Henry's reign, recites "that whereas, at the passing of the 14*th of Edward the* 3*rd* (1340), there were divers valiant and sufficient persons in every county of England to occupy and govern the same, and forasmuch that, as well by divers pestilences within the realm of England, as by the wars without the realm, there is not now such sufficiency," it is then ordained, that "the king may make the sheriffs and escheators through the realm, at his will, until the end of four years." This shows how destructive Henry's French wars had been, and how dearly the country had paid for the empty renown he had acquired. It appears that, after these sacrifices to the Moloch of military glory, there were not a sufficient number of the gentry left in England to conduct the ordinary business of the county. The above enactment applies to the nobility and gentry only; but we are informed that both France and England had become so exhausted of the means by and with which armies are raised and maintained, that, before the end of the war, scarcely the appearance of an army could be brought into the field on either side, —a proof of the deficiency in the two chief elements of

1421. 9 Henry V., cap. 5.

power, wealth and population, contrasting most unfavourably with the condition of the country at this king's accession, from which condition it had retrograded through his reckless ambition. Yet Henry was popular with the nation, and the people, who were the greatest sufferers, hailed his victories with acclamation —such is the influence of military glory upon its unreasoning victims!

Henry the Fifth unquestionably possessed qualities of a high order, and recent investigations have cleared his early life of the vices and follies by which it was believed to have been disgraced, but which in Shakspeare's magical page almost assume the character of virtues.[f] If Henry had applied his great talents to the improvement of his people and the encouragement of industry at home, instead of wasting the wealth and energies of the nation in foreign wars for objects of personal aggrandisement, he would have proved a great benefactor to his country, and merited the blessings of mankind. To the wars with France, commenced by him, made popular by his successes, and continued throughout the greater part of the reign of his son, may be traced that feeling of rivalry and hostility between the two nations which has continued almost to the present day, and led to so much misery and bloodshed.

Henry VI., 1422–1461.

On the death of Henry the Fifth, in 1422, at the early age of thirty-four, his son, Henry the Sixth, succeeded to the crown. He was then an infant, less than a twelvemonth old, and his uncles were appointed his guardians, with a council nominated by Parliament to assist them in carrying on the government. The war with France was then in full activity, and its natural consequence, the drain of capital, was "grievously complained of" in Parliament. It was

[f] See Tyler's 'Memoirs of Henry the Fifth,' a work evincing great industry and research, although perhaps somewhat lengthy and diffuse in its composition.

therefore ordained by *The 2nd Henry 6th, cap.* 6, "that no gold or silver shall be carried out of the realm, unless it be for payment of the wars and soldiers of the king beyond the sea, upon pain of forfeiture of the value of the money so carried out, to be levied of him that shall bring, carry, or send it out of the realm; and he which espieth it, and thereof giveth knowledge to the council, shall have the fourth part of the forfeiture." By the same Act, the late statute of the *4th Henry 5th*, which exempted from penalty masters who gave more than the prescribed rate of wages, was repealed, and the former penalties against the giver of such wages were again established. 1423. 2 Henry VI., cap. 6.

The 6th Henry 6th, cap. 3, recites the statutes *12th and 13th of Richard the 2nd*,[g] and then affirms that these statutes are not put in execution, —"that is to say, the first statute, because that the punishment in the same is too hard upon the masters of such servants, forasmuch as they shall be destitute of servants if they should not pass" (that is, pay more than is prescribed by) "the ordinance of the statute; and the second statute, because that no pain is limited against him that doeth contrary thereto." It is therefore ordained that justices of the peace and the mayors and bailiffs of cities and towns shall, once in the year in full session, make proclamation how much every servant of husbandry shall take for his service by the year then next following; and further, that they shall make like proclamation at Easter and Michaelmas, "how much every artificer and workman shall take by the day, and by the week, with meat and drink, or without meat and drink, as well in August as in other times of the year. And if any servant, artificer, or workman do the contrary of such proclamation, and be thereof attainted, he shall forfeit every time the value 1427. 6 Henry VI., cap. 3.

[g] Ante, pp. 56, 60.

of his wages; and if he have not whereof to make gree to the king, he shall have imprisonment of forty days, without bail or mainprise." And the justices of peace, mayors, and bailiffs are empowered to hear and determine such offences, "as well at the king's suit by suggestion and surmise, as at the suit of the party in such case grieved." And the justices, mayors, and bailiffs are further empowered "to examine at their discretion, as well such servants, artificers, and workmen, as their masters, and if they find the contrary to be done of such proclamation so made, the said servants, artificers, workmen, and labourers shall be punished in the form aforesaid, and shall yield to the party grieved his double damages." The employer or master is thus again exempted from penalty, and is even enabled to proceed against his servant for an act which was contrary to law, and in which they had each concurred—surely a most partial and one-sided legislation!

1429. 8 Henry VI. Two years later, it is recorded in the preamble to *The 8th Henry 6th, cap.* 6, "that divers great mischiefs and subtle felonies and robberies now late have been done in the town of Cambridge, and in the counties of Kent and Essex, and in other places, by people offenders unknown," by means of bills (or letters) directed to divers people, commanding them to put divers great sums of money in certain places where the said offenders might easily carry the same away; "certifying in the said bills that, if they put not the same money in the places assigned at a certain day, the offenders would do the greatest and most outrageous vengeance; and because such sums have not been so put, according to the purport of the same bills, many houses and goods and chattels of divers persons at Cambridge, and elsewhere, have been feloniously burnt and utterly destroyed." And it is then ordained that all such burnings of houses shall be adjudged high treason. The "subtle felonies" here

Threatening letters.

complained of appear in their nature identical with the "threatening letters" of a later period, although modern offenders might possibly not carry their "outrageous vengeance" quite so far, on disregard of their notice, as it appears those of old time were in the habit of doing. But in either case the crime is doubtless very heinous, betokening an immoral and disorganized state of society, and on every account meriting the severest punishment.

By the same statute, the restrictions imposed by the *7th Henry 4th, cap.* 17,[h] by which persons not having land or rent of the value of twenty shillings a year are prohibited from apprenticing their children in cities or towns, is repealed as respects London, on account of the great hindrance which the said statute might occasion to the inhabitants of the said city; "and also respecting the entire affections and great kindness done and shewed to our Lord the King in all his affairs by the citizens of London, and to encourage them the more to such affections and kindness hereafter." This special exception in favour of London may be regarded as an indication that its trade had increased, and required an increased number of operatives. It seems, moreover, to indicate that the citizens were taking part in the business of legislation, and that they had become of greater importance in the state.

As bearing upon the social condition of the people at this time, and therefore connected with our subject, it may be stated that *The 18th Henry 6th, cap.* 4, records—"that great damage and losses daily come to the king and to his people by the buying and selling that the merchants, aliens, and strangers do make, without notice, governance, and surveying of any of the King's liege people, as by such buying and selling which they do use together, every of them with

1439. 18 Hen. VI, cap. 4.

[h] Ante, p. 66.

other, they do impair and abate the price and value of merchandizes of this noble realm, and do increase and enhance the price of all their own merchandizes, whereby the said merchants aliens be greatly enriched, and the king's subjects grievously impoverished, *and great treasure by the same aliens carried out of this realm.*"

Restrictions on foreign merchants.

For remedy of these asserted evils, it is ordained, that aliens should no longer be permitted to sell to aliens, and that all alien merchants and strangers should thenceforth be under the surveying of hosts to be assigned to them in every city, town, or port whither they had come, and that these hosts were to be privy to all their sales and contracts, and that the proceeds of what they sold were to be invested in English merchandizes "growing and made within the realm;" and that the hosts were to register in a book "all the buyings, sales, contracts, and employments" of the said alien merchants, and send a transcript thereof to the king's exchequer twice in the year; "and the said host shall take for his labour in that case of every merchant stranger two-pence for every twenty shillings in value of all manner of merchandizes so by the said merchants aliens sold and bought."

These enactments exhibit a sad falling off from the liberal policy of Edward the Third, who encouraged the resort of foreign merchants, protected them in their dealings, and permitted the freest interchange of commodities, without regard to their origin or nature. Perhaps the last reason assigned for establishing these restrictive regulations was the chief, if not the only one, that "great treasure" was carried out of the realm; and of course this was assumed to be done, as it probably was chiefly done, by the agency of these "merchants aliens," who found the exportation of such treasure more profitable than to export English commodities, in return for the articles which they had imported. But the cause of this efflux of treasure, namely, the

deficiency or defectiveness of home-production, was overlooked by the legislators of that day, as it has been by those of a subsequent period. Instead of labouring to increase and improve native produce, restrictions were resorted to, which could not fail to operate injuriously upon the trade and commerce of the country, and thereby add to the evil they sought to cure; whilst they would at the same time curtail employment, and reduce the earnings and lessen the comforts of the great body of the people.

By *The 23rd Henry 6th, cap.* 12, a new scale of wages is established, and servants in husbandry are required to give their masters warning, and to engage with some other master before quitting their present service, failing in which they are to continue to serve their first master for the next year. It is also directed that the yearly salaries and wages of servants, labourers, and artificers, shall not exceed the following rates:— 1444. 23 Hen. VI. cap. 12. Scale of Wages.

Bailiff of husbandry	23*s.* 4*d.*	and clothing of the value of	5*s.*	with meat and drink.
Chief hind, carter, and chief shepherd	20*s.* 0*d.*	ditto	4*s.*	ditto
Common servant of husbandry	15*s.* 0*d.*	ditto	11*d.*	ditto
Woman servant	10*s.* 0*d.*	ditto	4*s.*	ditto
Infant within the age of fourteen	6*s.* 0*d.*	ditto	3*s.*	ditto

The wages, by the day, of artificers and common labourers, between Easter and Michaelmas, were not to exceed—

A free mason or master carpenter	4*d.*	with meat and drink;	5*d.*	without meat and drink
A master tiler or slater, and rough mason, and common carpenter, and other artificers concerned in building	3*d.*	ditto	4*d.*	ditto
Every other labourer	2*d.*	ditto	3*d.*	ditto.

In the winter months, between Michaelmas and Easter, the wages are to be in each case 1*d.* per day less.

The above rates are not, however, to extend to

labourers in the time of harvest, at which season the wages by the day are fixed as follows :—

A mower	4*d.*	with meat and drink ;	6*d.*	without meat and drink.
A reaper and a carter .	3*d.*	ditto	5*d.*	ditto
Women and other labourers	2*d.*	ditto	4*d.*	ditto

But in every case it is directed "that such as deserve less shall take less ; and in places where less is used to be given, less shall be given from henceforth." If any persons refuse to serve and labour according to these premises, justices of the peace are empowered to call them to examination of the same, and to commit them to gaol, "there to remain till they have found surety to serve and labour in form by law required :" and justices are also empowered "to take all servants retained with any person under colour of husbandry, and not duly occupied about the same, and compel them to serve in the occupation of husbandry to such as shall require their service." This and all the other statutes of labourers are to be proclaimed throughout the realm twice every year.

Comparison of the rate of wages in 1388 and 1444.

If the above rates are compared with those prescribed in 1388 by the 12*th of Richard the 2nd*,[1] it will be seen that a great increase has taken place in the wages of all annual servants. At the former period a bailiff was directed to be paid 13*s.* 4*d.* per annum, without clothing ; a bailiff is now to be paid 23*s.* 4*d.* per annum, together with clothing to the value of 5*s.*, making together 28*s.* 4*d.* So with the chief hind, shepherd, and carter : they were each paid 10*s.* per annum in 1388 ; they are now to be paid 24*s.*, including 4*s.* clothing. Common servants in husbandry were then paid 7*s.* ; hey are now to be paid 15*s.*, together with 11*d.* clothing. A woman servant was then paid 6*s.* ; she is now

[1] Ante, p. 56.

paid 10*s.*, and clothing of the value of 4*s.*, making together 14*s.* It appears, therefore, that in little more than half a century the yearly wages of the above class of persons had more than doubled in amount.

The 25th Edward the 3rd,[k] passed in 1350, affords the means of comparing the daily wages of certain artificers and harvest-labourers at that period, with the rates established nearly a century afterwards by the present Act of 1444. From Easter to Michaelmas, the wages per day, without meat or drink, was, for— Comparison of the rate of wages in 1350 and 1444.

	In 1350.	In 1444.
A master carpenter	3*d.* per day	5*d.* per day
A master or free mason	4*d.* „	4*d.* „
Other common labourers about buildings	1*d.* „	3*d.* „
A mower	5*d.* „	6*d.* „
A reaper	3*d.* „	5*d.* „
Women and other labourers	1*d.* „	4*d.* „

With the exception of carpenters, reapers, women, and common labourers, there is no very great difference observable in these rates after the lapse of a century, although in the former comparison, extending to little more than half that period, the wages of annual servants were increased upwards of 100 per cent. The 25*th Edward* 3*rd* was confirmed in 1388 by the 12*th Richard* 2*nd*; so that the yearly wages of the bailiff, hind, carter, &c., which prevailed in 1350, continued without material change in 1388; and the increase now observable must therefore have taken place subsequent to that time. May not this difference of increase in the yearly and daily rates of wages—the one being more than doubled in the course of half a century, whilst the other remained comparatively stationary for twice that period—have been owing to the progressive emancipation of the people, and the growth of independent feelings and habits among them, and a not unnatural dislike to engage for a year, as reminding them of their former state of bondage?

[k] Ante, p. 35.

It cannot escape observation that, in all these enactments for the regulation of wages, the great object of the legislature was to prevent a rise—to fix a maximum, not to assign a minimum—to place a limit on the ascending scale, leaving the descending scale without check or limitation. No servant or labourer was permitted to receive above a certain amount of wages, whatever the quantity or quality of his work, but he might be paid any less sum to which his employer could succeed in beating him down; for it is especially provided "that such as deserve less shall take less, and where less is used to be given less shall be given from henceforth." It is clear, therefore, that the interest of the master-class was alone considered in these enactments; and were it not that such regulations are, from their very nature, in a great measure nugatory and impracticable, they might have inflicted serious injury upon the working classes, for the continued depression of whom they were, through a short-sighted policy, obviously designed.

Price of wheat, 1350–1444.

It may here be worth noticing, that in 1350 the bushel of wheat is, by the 25*th Edward* 3*rd*, declared to be worth 10*d*., or rather that the employer had the option of giving it to his labourer in lieu of 10*d*., if he so preferred; and Sir Frederic Eden, in the table of prices deduced by him from various sources, and printed in the Appendix to his 'History of the Labouring Classes,' gives 10*d*. as the price of a bushel of wheat in that year. In 1444 he puts wheat at the same price, that is, 6*s*. 8*d*. the quarter, or 10*d*. the bushel, although there had been, as was to be expected, great fluctuations of price in the interim. It may, therefore, be assumed that the cost of provisions had very little, if anything, to do with the changes which took place in the price of labour and the rate of wages between 1350 and 1444. These changes must have originated in another source, and

were in all probability mainly owing to the spread of freedom, the increase of intelligence, and improvement in the mode of living of the great mass of the people.

In 1450 we find John Cade, or "Jack Cade," the so-called "Captain of Kent," attainted as a traitor, and all his goods and chattels forfeited to the king by *The 27th Henry 6th, cap.* 1. The country was in a state of great disorder at this time, and the people were discontented and turbulent. Insurrections had broken out in several places, and Cade, who was an Irishman, and had served in the armies abroad, assumed the name of Mortimer, and put himself at the head of the movement in Kent. This outbreak was not much unlike that under Wat Tyler, in 1381, and both the one and the other were evidences of the unsettled state of the public mind, and the disorganized condition of the country, without which neither Tyler nor Cade could have gathered followers. Each advanced to the capital, and each maintained his position for a time, committing many acts of violence, and inspiring great terror. Each also sank as suddenly as he had risen; but these outbreaks nevertheless served to show the governing class the necessity of conciliating the people, who had given such proofs of their power, and of their readiness to exert it. These occurrences, although causing much disorder at the time, were not, therefore, altogether unproductive of good, inasmuch as they secured greater consideration for the wants and wishes of the inferior orders, and helped forward the great work of emancipation, an object then happily not far from its accomplishment.

1450. 27 Hen. VI., cap. 1.

1450. Jack Cade.

In 1461 Henry the Sixth was deposed, and Edward the Fourth, of the House of York, assumed the crown. Two years afterwards an elaborate statute was passed (*The 3rd Edward 4th, cap.* 5), containing, among a great variety of other provisions, express regulations for the apparel to be worn

Edward IV., 1461–1483.

1463. 3 Edw. IV., cap. 5.

by persons according to their several degrees; and it seems not a little extraordinary that the legislature should at such a time have given its attention to such a subject, the nation being then hardly freed from the turmoil of rebellion, and the bloody conflict between the adherents of York and Lancaster, which ended in the deposition of one sovereign, and the elevation of another. It must be presumed, however, that it was then deemed a matter of primary importance, to thus openly distinguish the different orders of society; and it would doubtless exercise considerable influence on the habits and position of each, although whether it would prove beneficial to either may reasonably be questioned.

Ordinance of clothing.

After referring to previous statutes having a like object,[1] the Act declares that "the commons of the realm, as well men as women, have worn, and daily do wear, excessive and inordinate array, to the great displeasure of God," &c.; and it then ordains "that no knight under the estate of a lord, nor the wife of such knight, shall wear cloth of gold, nor corses wrought with gold, nor any fur of sables. And that no bachelor knight, nor his wife, shall wear any cloth of velvet upon velvet; and that no person under the state of a lord shall wear any cloth of silk of the colour of purple. And that no esquire or gentleman under the degree of a knight, nor their wives, shall wear any velvet, satin, nor counterfeit cloth of silk resembling the same, nor any corses wrought like to velvet or satin, nor any fur of ermine." The Mayor of London and his wife are permitted to wear the same array as bachelor knights and their wives; and the aldermen and recorder of London, and the mayors and sheriffs of other places, are, with their wives, permitted to wear the same

[1] Ante, p. 43.

array as gentlemen and esquires and their wives. No man possessing less than the yearly value of forty pounds, nor his wife, son, or daughter, nor any widow of less possessions, is permitted to wear any fur of matron's letuse (pure gray or pure miniver), nor any girdle garnished with gold or silver-gilt, nor any corse of silk made out of England, nor any kerchiefs whereof the price of a *plite*[m] shall exceed the sum of 3*s.* 4*d.* "And no man, not having possessions of the yearly value of forty shillings, shall wear any fustian, bustian, fustian of Naples, scarlet cloth in grain, nor no fur but black or white lamb."

It is further ordained by this statute, that no knight under the estate of a lord, nor esquire, gentleman, or other person, shall use or wear any gown, jacket, or coat, unless it be of a length to cover his buttocks, and tailors are prohibited from making any of shorter dimensions. The pikes of boots and shoes are restricted to two inches in length, with a like prohibition to shoemakers; and because coverchiefs (kerchiefs) are daily brought into this realm, inducing great charge, cost, and waste in the same, it is ordained "that no person shall sell any lawn, neifles, umple, or any other manner of coverchiefs, whereof the plite shall exceed ten shillings." It was also ordained, that no servant in husbandry, or common labourer, or servant to any artificer dwelling out of a city or borough, nor their wives, should use or wear in their clothing any cloth whereof the broad yard exceeds the price of 2*s.*, nor hosen whereof the price exceeds 14*d.* the pair, nor any girdle garnished with silver; and their wives are limited to coverchiefs of a price not exceeding 12*d.*

Nineteen years after the above regulations were established, complaint was made "that, owing to the non-due execution of the same, the realm 1462. 22 Edw. IV., cap. 1.

[m] A plite was a yard and a quarter in length, and each piece of Flemish lawn contained sixteen plites or plights.

was fallen into great misery and poverty, and like to fall into greater, unless better remedy be provided;" and it is accordingly ordained, by *The 22nd Edward 4th, cap.* 1, "That no manner of person, of whatsoever estate, degree, or condition, shall wear any cloth of gold or silk of purple colour, but only the king, the queen, the king's mother, the king's children, and his brothers and sisters; and that none under the estate of a duke shall wear any cloth of gold of tissue; and that none under the estate of a lord shall wear plain cloth of gold; and no man under the degree of a knight shall wear any velvet in their doublets or gowns; and that no yeoman, nor other man under the degree of an esquire or gentleman, shall wear in their doublets damask or satin, nor gowns of chamlet; and that no man under the estate of a lord shall wear any woollen cloth made out of the realm, nor wear any furs of sables." No restrictions were, however, imposed on the wives and daughters of the foregoing persons. Their attire appears to have been left to their own discretion and sense of propriety. Servants in husbandry, and other servants and common labourers, are, as before, restricted to cloth of 2*s.* the broad yard; but their wives are permitted to wear a "reile, called a kerchief," of the value of 20*d.*, instead of the previous limit of 12*d.*, and the hosen permitted are raised from 14*d.* to 18*d.*, from which we may infer that the market price of these articles had increased, or else that the condition of the people had so far improved during the few preceding years of comparative peace and order, that they were able to pay a higher price for a better article than at the commencement of Edward's reign.

Another ordinance of clothing.

These enactments with respect to clothing, throw considerable light on the social habits and the general condition of the people, as well as on the views entertained by their rulers with regard to an open and

marked distinction of ranks. Compared with the similar enactments in 1363 (*37th Edward 3rd*),[n] they show a considerable advance in the costliness and elegance of attire, and this is particularly observable in the clothing of the labouring class, who in 1363 were restricted to wearing russet or blanket of 12*d.* a yard, but they are now permitted to wear cloth of 2*s.* a yard, and their wives are allowed to wear kerchiefs of the value of 20*d.*, and girdles and other articles combining ornament with use. Of all such laws it is somewhat coarsely, but at the same time with much force, remarked by Adam Smith, that "it is the highest impertinence in kings and ministers to pretend to watch over the economy of private people, and to restrain their expense, either by sumptuary laws or by prohibiting the importation of foreign luxuries. They are themselves always, and without any exception, the greatest spendthrifts in the society. Let them look well after their own expense, and they may safely trust private people with theirs. If their own extravagance does not ruin the state, that of their subjects never will."[o]

This condemnation of sumptuary laws must, as a general rule, be admitted to be correct. But notwithstanding the deference due to so high an authority as Adam Smith, it may be questioned whether his sweeping denunciation has not, in this instance, been too strongly and unreservedly expressed. Blackstone appears to take an equally sound, but more judicious and temperate, view of the question. He says, that "Laws made to regulate and constrain our conduct in matters of mere indifference, without any good end in view, are regulations destructive of liberty; but if public advantage can arise from observ- Adam Smith and Blackstone.

[n] Ante, p. 43.

[o] 'Wealth of Nations,' vol. ii. p. 27.

ing such precepts, the control of our private inclinations in one or two particular points will conduce to preserve our general freedom in others of more importance, by supporting that state of society which alone can secure our independence. Thus the statute of Edward the Fourth, which forbade the fine gentlemen of those times, under the degree of a lord, to wear pikes upon their shoes or boots of more than two inches in length, was a law that savoured of oppression, because, however ridiculous the fashion might appear, the restraining of it by pecuniary penalties would serve no purpose of common utility. But the statute of Charles the Second,[p] which prescribes a thing seemingly as indifferent (a dress for the dead, who are ordered to be buried in woollen), is a law consistent with public liberty, for it encourages a staple trade, on which in great measure depends the universal good of the nation."[q]

An instance of retaliatory prohibitions not unworthy of notice, as bearing eventually on the condition of the people, if not immediately affecting it, took place in 1464, between the governments of England and Flanders. In that year the importation of "woollen cloths made in any other region" was prohibited by *The 4th Edward the 4th*; and the Duke of Burgundy, sovereign of the Low Countries, then issued a proclamation, to the effect that all manner of woollen cloths and woollen yarn made and wrought in the realm of England should be banished out of the lands of the said Duke, whereby, our legislators naïvely observe, "by all likelihood the makers of woollen cloths within this realm of England, as weavers, fullers, dyers, spinners, carders, and winders of yarn, and other persons exercising the said cloth-making, and also

1464-5. 4 Edw. IV.

[p] See post, part ii. chap. iii.
[q] Blackstone's 'Commentaries,' 1st book, sec. 126.

buyers and sellers of the same, should be destitute of occupations, and become so idle that it should provoke them to sin and evil life, which God defend." It is accordingly ordered, as a remedy for so great an evil, that the importation of merchandise of any kind, except provisions, from the countries under the dominion of the Duke of Burgundy, shall be prohibited, until English cloths and yarns shall be admitted into those countries as freely as they were before the proclamation of the said Duke.

It would appear, from this enactment, that the woollen manufacture had become of great importance in England at this time, that a considerable number of persons were employed in its various branches, and that the quantity of cloth exported was so large as to afford ground for a retaliatory proceeding on the part of a rival state. Our legislators, however, seemed unconscious that they ought not to expect other countries to take our commodities, unless we consented to take theirs; and that a prohibition imposed on one side, was likely to be met by a similar imposition on the other. They apparently did not perceive this. But they did perceive that the prohibition of the Duke of Burgundy would deprive our people engaged in these manufactures of the means of living, as the Duke would probably perceive that a like prohibition on the part of England would operate in a like manner on the people similarly occupied in Flanders. Each side was sensible of its own privations, but neither heeded the privations of the other, and both were deservedly the victims of their own narrow and selfish policy.

In this case, provisions were excepted from the prohibition, and allowed to be imported as before; from which we may gather that England, with a population at that time probably not exceeding three millions, did not raise sufficient food for the support of her own people. English agriculture was indeed at that time in a very

rude state, and we may form some idea of the husbandry of the period, and the miserable return obtained from the land, and the consequent low condition of the labourers, from the fact stated by Sir John Cullum.[r] He says that in Hawsted, in 1390, the crop from 57 acres was 42 quarters and 1 bushel of wheat, which is less than 6 bushels an acre; 38 quarters and 2 bushels of barley from 24 acres, which is rather better than 12 bushels an acre; 34 quarters 2½ bushels of pease from 22 acres, which exceeds 12 bushels an acre; 33 quarters 2 bushels of oats from 54½ acres, or about 5 bushels an acre. With such defective husbandry we cannot wonder that the country did not support itself, and that provisions, as we have just seen, were allowed to be imported, whilst all other commodities were prohibited. It is true that from 1390, when the management here described existed at Hawsted, to 1464, the date of the above prohibitory enactment, a considerable period had intervened; but foreign wars and domestic strife throughout nearly the whole of the time had kept the country in such a state of anarchy and disorder, that no material improvement was likely to have taken place, neither is it likely that there was better husbandry in other parts of England than is above described as practised at Hawsted in Essex.

State of agriculture.

The reign of Richard the Third was so criminal in its origin, and so brief in its duration, that little opportunity was afforded for legislation. But we nevertheless find, shortly after his accession, that an Act was passed (*The 1st Richard 3rd, cap.* 9) "touching the merchants of Italy," of whom it is complained, "that great numbers inhabit and keep household within the City of London, and other cities and boroughs, and take warehouses and cellars, and therein put their wares and merchandises,

1483-1485. Richard III.

1483-4. 1 Rich. III., cap. 9.

[r] Sir John Cullum's 'History of Hawsted,' p. 219.

which they bring into this realm, and deceivably pack, meddle, and keep the same, until the prices thereof been greatly enhanced for their great lucre, and the same wares and merchandises they then sell to all manner of people, as well within the ports whereunto they bring them as in other places, and as well by retail as otherwise; and also buy the commodities of this realm, and sell them again within the same, and a great part of the money coming thereof employ, not upon commodities of this realm, but make it over the sea by exchange unto divers countries, to the great hurt and lessening of the king's customs, and the great impoverishing of his subjects, of whom they should buy the commodities." It is then directed that these Italian merchants shall sell their wares in gross, and employ their money in commodities of this realm; and further, that no alien should occupy a house with another alien, nor be a handicraftsman, unless as a servant to one of the king's subjects; and all alien artificers are restricted from selling by retail.

Restrictions on Italian merchants.

It would appear from the above, that foreign merchants and artizans had become numerous, and interfered with our own people, as well in the home as in the foreign markets; and if this were the case, the jealousy here manifested was not perhaps unnatural. But instead of applying to the legislature to restrain these foreigners from competing with us, our merchants and artizans should have taken pattern by them, and striven to equal or surpass them in skill and enterprise. Their wealth and experience must doubtless have been of great use in nourishing and sustaining native industry, at a time when civil commotions had wasted native capital, and perverted it to other objects; and the country ought to have cherished the source whence such benefits were derived.

During the contest which had prevailed for the best part of a century between the rival Houses of York

and Lancaster, no great improvement could be expected to take place in the general state of the country. The whole period, with little intermission, presented one dismal scene of strife and violence. In reference to this period, Hume observes,—"There is no part of English history since the Conquest so obscure, so uncertain, so little authentic or consistent, as that of the wars between the Roses. All we can distinguish with certainty through the deep cloud which covers that period is a scene of horror and bloodshed, savage manners, arbitrary executions, and treacherous, dishonourable conduct in all parties." Yet there was one redeeming circumstance connected with this unnatural state of things. Each of the contending parties was compelled to court the people, and the side which obtained the largest amount of popular support was sure to triumph, at least for a time, and until outbidden by its opponent. These appeals to the people could not fail to add to their importance, and increase their social influence. They were, in fact, become a substantive power in the state. The struggle was no longer confined to the nobility and landed gentry of the two rival factions. The people now asserted their right to have a voice in deciding by whom they would be governed, and the side which they supported always prevailed. Sir Frederic Eden remarks that "the great drain of men occasioned by Henry the Fifth's wars, and the subsequent bloody contest between the Houses of York and Lancaster, eventually contributed to render the whole nation free:" and there can be no doubt that the popular element made great progress under the influence of these circumstances. The long and unhappy years of civil strife, which inflicted such serious mischiefs on the country, and entailed such calamitous consequences upon families and individuals, may therefore be regarded as affording some compensation for these evils,

The wars of York and Lancaster.

in the sense of importance, and the feeling of self-respect and self-reliance, which were thereby infused into the great body of the people, preparing the way for, and rendering them fitter to enjoy, the civil liberty which they afterwards attained.

The great feudal nobility suffered much in these civil wars, and were reduced in number, as well as impoverished by the expenses, penalties, and confiscations to which they had been subjected. A distinguished historian observes that "the extent of the destruction which had fallen on the old aristocracy (through the wars of York and Lancaster) may be inferred from a single circumstance. In the year 1451 Henry the Sixth summoned fifty-three temporal lords to Parliament. The temporal lords summoned by Henry the Seventh to the Parliament of 1485 were only twenty-nine, and of these twenty-nine several had recently been elevated to the peerage."[s] In fact, feudalism may now be said to have received its death-blow. The nation had long been preparing for the change. The distinction of Norman and Saxon was no longer maintained. The two races had amalgamated and become one people. The exorbitant power of the nobility had been reduced, and the condition of the peasantry gradually elevated. With the conversion of the serfs and villeins into free labourers, a class of small farmers had sprung up, occupying an intermediate position between the lords of the soil and the labouring class, and exercising an important influence with regard to both. Commerce had increased, and brought with it an increase of wealth and means of employment. These changes were all of gradual growth, so gradual indeed as to be scarcely noticed at the time; but their final result was most important, abolishing class privileges, and establishing the right of every man to equal

Extinction of feudalism.

[s] Macaulay's 'History of England,' vol. i. p. 39.

law, none being above its restraints, and no one below its protection.[1]

1485–1509. Henry VII.

The battle of Bosworth, in August 1485, put an end to the reign of Richard the Third, and raised Henry the Seventh to the throne of England. Henry's accession constitutes an important era, a kind of turning-point in our social history. Speaking of this reign, Mr. Hallam observes, "It began in revolution, and a change in the line of descent. It nearly coincides, which is more material, with the commencement of what is termed modern history, as distinguished from the middle ages, and with the memorable events that have led us to make that leading distinction, especially the consolidation of the great European monarchies, among which England took a conspicuous station." From the commencement of Henry's reign, the increase of trade and manufactures, the spread of wealth and civilisation, and the improvement in the general condition of the people, may be said to have been uninterruptedly progressive. How much of this was owing to the firm and prudent government established by him, and how much to the circumstances of the times, and the general spread of intelligence, we need not stop to inquire—the fact is undoubted, and we of the present day are witnessing its benefits. Not that there was any great change in the principle or system of government pursued by Henry, as contrasted with his predecessors; but under him peace was maintained, the ascendancy of law was firmly upheld, life and property were protected, and class assumption, and what remained of feudal dominancy,

Increase of wealth, and general improvement.

[1] "Moral causes noiselessly effaced, first the distinction between Norman and Saxon, and then the distinction between master and slave. None can venture to fix the precise moment at which either distinction ceased. Some faint traces of the old Norman feeling might perhaps have been found late in the fourteenth century. Some faint traces of the institution of villeinage were detected by the curious so late as the days of the Stuarts; nor has that institution ever, to this hour, been abolished by statute."—Macaulay's 'History of England,' vol. i. p. 22.

were repressed. This is in truth nearly all that is essential to good government at any time, and this the people possessed throughout the reign of Henry the Seventh, who therefore must be regarded as one of the best, if not one of the greatest, of our English sovereigns.

In 1488 two Acts were passed (*The 4th Henry 7th, cap.* 16, *and cap.* 19) concerning the decay of population in the Isle of Wight. The first declares that "it is for the security of the king and realm that the Isle of Wight should be well inhabited, for defence against our ancient enemies of France; the which isle is late decayed of people, by reason that many towns and villages have been let down, and the fields dyked and made pastures for beasts and cattle." And the second Act recites that "The king, having singular pleasure above all things to avoid such enormities and mischiefs as be hurtful and prejudicial to the common weal, remembereth that great inconveniences daily doth increase by desolation and pulling down and wilful waste of houses and towns, and laying to pasture lands which customably have been used in tilth, whereby idleness, ground and beginning of all mischiefs, daily do increase; for where in some towns two hundred persons were occupied and lived by their lawful labours, now be there occupied two or three herdsmen, and the residue fall into idleness. Husbandry, one of the greatest commodities of this realm, is greatly decayed, churches destroyed, the service of God withdrawn, the bodies there buried not prayed for, the patrone and curates wronged, the defence of this land against our enemies outward feebled and impaired, to the great displeasure of God," &c. In remedy for this formidable list of evils, it is ordained that no man shall take a farm in the Isle of Wight the rent of which shall exceed ten marks, and that the owners of land let to farm shall keep and maintain

1488–9. 4 Hen. VII. cap. 16 & 19.

Alarm at conversion of arable land to pasture.

upon such land the houses and buildings which are necessary for tillage and husbandry.

These enactments are obviously intended to prevent the conversion of arable land into pasture. Some stress is laid upon the necessity of a population in the Isle of Wight for defending it against the ancient enemy; but, taking the two statutes together, it is clear the governing intention was to prevent the increase of pasturage, and to enforce the practice of tillage. This is the first instance exhibited in the statutes of that alarm at the increase of pasturage, and decrease of the rural population, which has manifested itself in some shape or other almost down to the present day, and about which so much has been said and written, and even sung, for who can forget poor Goldsmith's lines?—

> "A time there was, ere England's woes began,
> When every rood of ground maintain'd its man."

That the conversion of any considerable tract of land from tillage to pasture would occasion inconvenience, and possibly distress, to certain of the labourers previously employed upon it, must be admitted. Every change will, for a time, be productive of inconvenience to some one; but this can hardly be deemed a sufficient reason for legislating against all change. If the change be not advantageous, it will sooner or later be abandoned; and if advantageous, to legislate against it would not only be wrong, but would also be in the long run ineffective.

In the present instance, the demand for increased pasturage was probably caused by improvement in the condition of the people, by their living better, and consuming a larger quantity of animal food. Something may also have been owing to an extension of manufactures, particularly the woollen manufacture, for the supply of which with its staple material, an increase of sheep pasturage was probably required. An increase of manufactures would likewise draw the people to the

towns, whither their newly acquired freedom would enable them to resort without let or hindrance. In short, pasturage was needed, and men found it their interest to extend it, and therefore ought to have been left to act upon their own judgment and responsibility, which would have been safer guides for them, and for the country generally, than legislative enactments, however well intended and carefully devised.

The 11th Henry 7th, cap. 2, is entitled 'An Act against Vagabonds and Beggars,' and commences by declaring that the king "most entirely desireth amongst all earthly things the prosperity and rest of this land, and his subjects to live quietly and surefully; and willing always, and of his pity intending, to reduce them thereunto by softer means than are provided in the statute *7th of Richard the 2nd, cap.* 5; and considering also the great charges that should grow for bringing vagabonds to the gaols according to that statute, and the long abiding of them therein, whereby it is likely many of them would lose their lives." It is then ordained, that, instead of such misdoers being committed to the common gaol, the sheriffs, mayors, constables, and other officers of cities, boroughs, and towns, "do make due search, and cause to be taken all such vagabond, idle, and suspected persons living suspiciously, and them to set in the stocks, there to remain three days and three nights, with no other sustenance than bread and water, and after that to be set at large, and commanded to avoid the town. And if he eftsones be again taken in the same town or township, he is then to be set in the stocks the space of four days, with like diet; and if any person give other meat or drink to the said misdoers whilst in the stocks, or the same prisoners favour in their misdoings, they shall forfeit for every time so doing twelve pence." 1495. 11 Hen. VII., cap. 2.

It is also further ordained, that beggars not able to

work shall go rest and abide in the hundred where they last dwelled, or where they were best known, or born, "there to remain or abide, without begging out of the hundred, upon pain to be punished as is beforesaid." But this is merely a repetition of the *7th Richard 2nd*,[u] with the addition of a penalty of twenty pence on any sheriff or other officer who shall neglect or fail to carry these provisions into execution. There is, moreover, a prohibition against servants, apprentices, and labourers, playing at certain games, except at Christmas; and a proviso at the end permits a diminution of punishment for women with child, and persons in extreme sickness.

This Act substitutes the summary punishment of the stocks, with bread and water, for that of committal to gaol directed by the *7th of Richard the 2nd*. How far it was more lenient may admit of question, but it certainly was more prompt, and therefore perhaps more effective. The class of persons against whom the provisions of the Act were directed, had in all probability gained head during the disorder of the civil wars; and it may be presumed that their numbers were likewise increased by the emancipation from villeinage which had now been consummated, and which, whilst it left the people free to follow their own inclinations, exonerated their former masters from responsibility for their support. That there was, owing to these or other causes, an increase of beggars and vagabonds seems likely, or this recurrence to legislation on the subject would hardly have taken place.

Increase of vagabonds and beggars.

The exemption in favour of sick persons, and women with child, shows a tender consideration of which we have seen no previous instance; and the preamble of the present Act, to the effect that the king desires the quiet and prosperity of his subjects above all earthly things, shows that a new spirit pervaded the govern-

[u] Ante, p. 55.

ment, and that it was actuated by a feeling towards the mass of the people different from that which had theretofore existed. Indeed the people had risen to so much consideration at this time, that an Act was passed in the present year (*The 11th Henry 7th, cap.* 12), providing, as "a mean to help and speed poor persons in their suits," that writs should be issued, and counsel and attorneys assigned for them, free of cost, in all suits "for redress of injuries and wrongs to them daily done, as well concerning their persons and their inheritance as other causes." 1495. 11 Hen. VII., cap. 12.

The prohibition against giving meat or drink to the "misdoers" whilst in the stocks, seems to point at almsgiving as being one cause of the evil of vagabondage. It is not unlikely that the increase of wealth which had taken place, would lead to an increase of almsgiving on the part of the laity, and to an increased distribution of alms by the clergy and the numerous religious institutions then existing in every part of the country. It would further seem that this charitable tendency was so general, so strong, and so little discriminative, as to render a legislative prohibition necessary to restrain it, and to prevent its neutralizing the penalty inflicted by the law, which would of course tend to increase the amount of crime.

The statute of *Henry the 4th*, prohibiting persons not having lands or rents of the value of 20*s.* a year from apprenticing their children in any city or borough, and which had been repealed in favour of the citizens of London,[v] is also, on the prayer of the citizens of Norwich, repealed as regards them by *The 11th Henry 7th, cap.* 11. They represent, that "by force of that statute many and divers great vexations and troubles and losses have been done to them, whereby the most substantial crafts, called worsted-weavers and 1495. 11 Hen. VII., cap. 11.

[v] Ante, pp. 66 and 77.

clothiers, by which crafts the weal of the said city hath and should be maintained, be greatly decayed;" wherefore they pray that the citizens of Norwich may be at liberty to take the sons and daughters of any persons that will put them to be apprentice in the said city, the penalties of the said Act notwithstanding—a reasonable request, reasonably and promptly complied with; and a similar permission was in the following year, for like reasons, extended to all the worsted-makers in the county of Norfolk.

In the same year *The 11th Henry 7th, cap.* 2, was passed. It is entitled 'An Act for Servants' Wages,' and was of short duration; but it nevertheless deserves notice, as it affords the means of comparing the rates therein prescribed, with those established by the *23rd Henry 6th*, in 1444.[w] The Act begins, as usual, by referring to the previous statutes on the same subject, especially to that "made by the right noble Christian prince of blessed memory, King Henry the Sixth;" notwithstanding which statutes, it is declared, that "great and many defaults daily increase, rest, and continue, among labourers and artificers, some because the said statutes be not executed, and some because the remedy by the said statutes is not very perfect, nor giveth certain nor hasty remedy; so that daily, by subtle imagination in defraud of the said statutes, many of the king's subjects been hurt, deceived, let, and damaged in their building and husbandry:" for remedy of which it is enacted and ordained, that none engaged in husbandry shall receive higher wages by the year than the following:—

1495. 11 Hen. VII., cap. 2.

Scale of wages.

	s.	d.		s.	d.	
A bailiff in husbandry . . .	26	8	clothing . .	5	0	with meat and drink.
Chief hine, carter, and chief shepherd	20	0	ditto . . .	5	0	ditto
Common servant in husbandry	16	8	ditto . . .	4	0	ditto

[w] Ante, p. 79.

	s.	d.		s.	d.	
Woman servant	10	0	ditto	4	0	with meat and drink.
Child within the age of fourteen years	6	8	ditto	4	0	ditto
Every other labourer and artificer, from Easter to Michaelmas, shall receive	0	2	a-day with meat and drink	0	4	without meat and drink.
Ditto from Michaelmas to Easter	0	1	ditto	0	3	ditto
And in the time of harvest—						
A mower is to be paid	0	4	ditto	0	6	ditto
A reaper and a carter, each	0	3	ditto	0	5	ditto
A woman and other labourers	0	2	ditto	0	4	ditto

The wages of artificers, by the day, are not to exceed

A free mason, Master carpenter, Rough mason, Bricklayer, Master tiler, Plumber, Glazier, Carver, Joiner	From Easter to Michaelmas 6*d.* a-day each, without meat and drink; with meat and drink, 4*d.* a-day. From Michaelmas to Easter 5*d.* a-day each, without meat and drink; with meat and drink, 3*d.* a-day.
Master mason or master carpenter having charge of the work, and six or more men employed under him, to have	7*d.* a day without meat and drink, and 5*d.* a-day with meat and drink.

The wages of shipwrights, by the day, from Candlemas to Michaelmas, are not to exceed—

A master ship-carpenter taking charge of the work, and having men under him	5*d.*	with meat and drink	7*d.*	without meat and drink.
Another ship-carpenter, called a hewer	4*d.*	ditto	6*d.*	ditto
An able clincher	3*d.*	ditto	5*d.*	ditto
An holder	3*d.*	ditto	4*d.*	ditto
A master caulker	4*d.*	ditto	6*d.*	ditto
Another mean caulker	3*d.*	ditto	5*d.*	ditto
A caulker labouring by the tide, for every tide	4*d.*	ditto		

From Michaelmas to Candlemas the wages of artificers are to be 1*d.* a day less.

In places where less wages than the above have been usually given, less are still to be paid, "this Act notwithstanding;" and all husbandry servants and artificers are compelled to serve when required, under penalty of imprisonment for a month, and a fine of twenty shillings; and masters are liable to a penalty of

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40*s.* for every time they shall give higher wages than is here prescribed. It is further ordained, "that every artificer and labourer be at his work, from the middle of March to the end of September, before five of the clock in the morning, and that he have but half an hour for his breakfast, and an hour and a half for his dinner and for sleep, and that they depart not from their work till between seven and eight of the clock in the evening." From the middle of September to the middle of March they are "to be at their work in the springing of the day, and depart not till night;" and the additional half-hour for sleep at dinner-time is not to be allowed during this winter portion of the year.

These rates are set forth in greater detail than we find them in the 23*rd Henry 6th;* but they are open to the same objections. Indeed it may be said that their very completeness for their intended object, renders them the more certainly injurious. It will be seen, on comparison, that there is no material difference between the wages now prescribed and those previously established. There is an increase of a penny a day to the master mason and master carpenter, and an increase of 3*s.* 4*d.* in the yearly wages of the bailiff in husbandry, but in the other items there appears scarcely any difference; and it may, therefore, be inferred that prices have, on an average and on the whole, remained nearly stationary during the preceding half-century. The present resort to legislation, avowedly for the purpose of regulating, but in reality for preventing an increase in the rate of wages, would seem to imply that the working classes were endeavouring to secure a larger share of the comforts and conveniences of life, in return for their labour, than they had previously been accustomed to obtain.

Compared with the rates established in 1444.

The chief difference between the former, and the above table of wages, is in the latter's including ship-carpenters and caulkers, of whom no notice was taken

in any preceding enactment. Shipbuilding has, therefore, it may be presumed, gone on increasing, and has now become a regular and recognized branch of industrial occupation. Indeed, maritime enterprise appears to have been in great activity in Europe at this period. Three years previous (August 2nd, 1492) Columbus had sailed from Spain for the discovery of a new world; and a few years later, Vasquez de Gama rounded the Cape of Good Hope in his way to India. Henry viewed these enterprises with the far-seeing eye of a statesman, and with the spirit of a merchant adventurer. He would have assisted Columbus: he did send out Sebastian Cabot, who first discovered the American continent. Henry also laid the foundation of the British navy by building the "Great Harry," the first ship possessed by the crown, and in the building of which he expended the large sum of fourteen thousand pounds. It was natural therefore that he should wish to regulate the wages of shipwrights, in common with other artizans.

America discovered, and the Cape of Good Hope passed.

This Act for regulating wages was, however, repealed in the following year by *The 12th Henry 7th, cap.* 3. No ground is assigned for this repeal, beyond the general declaration of "divers and many reasonable considerations and causes, and for the common wealth of the poor artificers—as free masons, carpenters, and other persons necessary and convenient for reparations and buildings, and other servants and labourers in husbandry." It has, however, been supposed that the chief cause of the repeal was the high price of corn, wheat having risen from about 4*s.* the quarter, when the Act was passed in 1495, to the famine price, as it may be called, of 20*s.* the quarter in 1497, as appears by the table of prices appended to Sir Frederic Eden's 'History of the Labouring Classes.'

1496. 12 Hen. VII., cap. 3.

In 1503-4 another Act against "vagabonds and beggars" was passed (*The 19th Henry 7th, cap.* 12), in which reference is again made to

1503-4. 19 Hen. VII., cap. 12.

the *7th Richard the 2nd.* The recital is precisely similar to that of the Act of 1495,[x] and the enactments differ chiefly in now prescribing a smaller amount of punishment for the same offences. Thus, "vagabonds, idle people, and suspected persons living suspiciously," are to be "set in the stocks, there to remain the space of one day and one night, with no other sustenance but bread and water," instead of three days and three nights; and they are afterwards to be set at large, and go to "the city, town, place, or hundred where they were born, or else to the place where they last made their abode by the space of three years, and that as hastily as they conveniently may, and there remain and abide." If again apprehended in the same town, they are to be set in the stocks for three days and three nights, instead of six days and six nights, as is before directed; but the penalty of 12*d.* is continued against any one giving meat or drink or favouring the "misdoers," or, it is also now added, "who shall them receive or harbour over one night." Beggars not able to work, are ordered to go rest and abide in the place where they were born, or where they last resided the space of three years, "there to remain without begging out of the said city, town, hundred, or place, upon pain to be punished as aforesaid;" and no man is to harbour or keep any such beggar in his house over one night, upon the same pain.

The penalty on sheriffs and other officers for neglect or failing to carry the provisions of the Act into effect is increased from 20*d.* to 3*s.* 4*d.* The same prohibition against apprentices, servants, and labourers playing at certain games, except at Christmas, is continued; and, instead of the proviso with regard to women with child and sick persons, it is now directed, "that diminution of punishment of vagabonds and beggars aforesaid may be had for women great with child, and men

[x] Ante, p. 96.

and women in great sickness, and persons being impotent and above the age of sixty years, by the discretion of him that hath authority to do the said punishment, this Act notwithstanding." This statute may, therefore, be said to be really what the previous Act of 1495 only professed to be—a mitigation of the severity of that of the *7th Richard 2nd.* Its tone is more humane and considerate, and the punishments inflicted under it do not, on the whole, appear greater than the occasion warranted. The direction for beggars to confine themselves to the places of their birth, or where they last resided for three years, is open to the same objection as the similar enactment in the Act of Richard, no provision being made for their relief in those places; but the giving a discretion to the administrators of the law for diminishing the amount of punishment in the cases of sick, aged, and impotent persons, is a decided improvement, and bears evidence of a more kindly feeling than had existed at former periods.

This was the last Act having reference to the poor passed in Henry's reign. He died, five years afterwards, on the 21st of April, 1509, in his 53rd year. It has been said of him that he loved peace without fearing war, and that he was free from timidity either in the conduct of his affairs or in the day of battle. Throughout the whole of his reign he was strenuous in his efforts to prevent the great lords and landed gentry from engaging retainers, and giving badges and liveries, a practice by which they enlisted people to assist them in riots and violences, and even in bearing evidence for them in courts of justice. In his general summary at the end of Henry's reign, Hume says, "The art of printing, invented about this time,[y] extremely facilitated the progress of improve-

1509. Death of Henry VII.

[y] It is supposed to have been first practised in 1451.

ment. The invention of gunpowder changed the whole art of war. Mighty innovations were soon after made in religion, such as not only affected those states that embraced them, but even those that adhered to the ancient faith and worship. And thus a general revolution was made in human affairs throughout this part of the world, and men gradually attained that situation with regard to commerce, arts, science, government, police, and cultivation in which they have ever since persevered."

1509. Amount of the population.

The population of England and Wales at this time had probably risen to 4,000,000. In 1528 returns were obtained of the stock of grain in the kingdom, and some of these returns, containing likewise a statement of the number of inhabitants in certain districts, have been preserved, from which statements, coupled with the census returns of 1831, it has been inferred that the population in 1528 was about 4,356,000; and if such were the case, it may, without violating probability, be assumed that it amounted to four millions in 1509.[z]

[z] See M'Culloch's 'Account of the British Empire,' vol. i. p. 398–9, 2nd edit. See also ante, pp. 55 and 71, where the population is estimated at 2,350,000 in 1381, and at 3,000,000 in 1415.

CHAPTER III.

Accession of Henry VIII. — Sumptuary laws — Prices of provisions — Pulling down of houses — Consolidation of farms and increase of pasturage — State of Manchester — Gipsies — Vagrancy — "Valiant beggars" — "Ruffelers" — Employment of children — Prices — The Reformation — Suppression of religious establishments — Condition of the people — Accession of Edward VI. — Loiterers and wanderers — Beggars' children — Aged and impotent poor — Collection of alms — Trade combinations — Pasture and tillage — "Gigge-mills" — 'Act of Uniformity' — Book of Common Prayer — Laws of Mary — Restoration of popery — Amendment and confirmation of Acts of Henry and Edward — Sumptuary law — Gipsies — Prices of wheat — Tillage — Cattle — General increase of prices — Influences of popery and of the Reformation.

HENRY THE EIGHTH succeeded to the throne at the early age of eighteen, and neither the amusements and dissipation natural to his youth, which the wealth accumulated by his father enabled him to command, nor the excitement and turmoil of continental politics, into which he eagerly entered, appear to have so far occupied his time as to prevent his attending to the business of government and the condition of the people. His reign exhibited throughout proofs of great activity and energy, although not always wisely directed either by himself or his advisers, the principal of whom was Wolsey for sixteen years of the period, that is, from 1513 to 1529. Henry's natural qualities were of a superior order: his manners were popular, frank, and manly, and his appearance was highly prepossessing. Throughout his long reign, and notwithstanding the violent and culpable acts by which it was stained, he never ceased to be a favourite with the people. He was, in short, eminently fitted for the times in which he lived, and the circumstances in which he was placed; and it is not perhaps too much to say, that scarcely any other English sovereign could have brought about the stupendous changes which he effected, with so little danger and disturbance

1509–1547. Henry VIII.

to the machine of government and the general framework of society.

Henry was fond of splendour, pageantry, and parade, in which his figure and high bearing fitted him for appearing to advantage, and much of his attention was given to such matters. One of the earliest Acts of his reign was that for regulating apparel (*The 1st Henry 8th, cap.* 14), the preamble to which recites that "the great and costly array and apparel used within this realm, contrary to good statutes thereof made, hath been the occasion of great impoverishing of divers of the king's subjects, and provoked many of them to rob, and do extortion, and other unlawful deeds, to maintain thereby their costly array." The statute then goes on to prescribe what description of clothing may, and what may not, be used by persons of different ranks and degrees. This is done with a minuteness approaching to the ludicrous, but women are specially exempted from the provisions of the Act. Purple and cloth of gold are reserved to the exclusive use of the king, queen, and royal family, and "no man under the degree of a knight is to wear any guarded or pinched shirts, or pinched partelet of linen cloth, upon pain of forfeiture of the same shirt or partelet, and for using of the same to forfeit ten shillings."

1509. 1 Hen. VIII., cap. 14.

Ordinance of clothing.

This statute is, in fact, a revival of that of Edward the Fourth,[a] with certain modifications adapting it to the altered habits of the time; and so important was the due regulation of apparel deemed by Henry and by his parliament, that elaborate Acts were passed at three subsequent periods, establishing new and more minute regulations on the subject. These Acts were *The 6th Henry 8th, cap.* 1; *The 7th Henry 8th, cap.* 6; and *The 24th Henry 8th, cap.* 13.

1515, 1516; 1533. 6 and 7 Henry VIII., caps. 1, 6, and 24 Henry VIII., cap. 13.

[a] Ante, p. 83.

The preambles of the two former are similar to that of the first Act, and there is no very material change in their enactments; but in the last Act it is recited, as an additional reason for its being passed, that there "hath ensued and daily do chance such sundry high and notable inconveniences as be to the great, manifest, and notorious detriment of the common weal, the subversion of good and politic order in knowledge and distinction of people, according to their estates, pre-eminences, dignities, and degrees, and to the utter impoverishment and undoing of many inexpert and light persons inclined to pride, mother of all vices." This Act takes a wider range of regulations than any of the preceding, for, in addition to the king and royal family, and dukes, marquesses, earls, and barons, it prescribes the dress to be worn, or rather that which may *not* be worn, by persons having an income of 200*l.* a year, of 100*l.* a year, of 40*l.* a year, of 20*l.* a year, and of 5*l.* a year. It then lays down the rule for servants, yeomen, and persons having less than 40 shillings a year; and for husbandmen, servants in husbandry, and journeymen in handicrafts; after which the apparel permitted to be used by the clergy is prescribed.

These regulations show the spirit and character of the times in which they were framed, when incidents of private life and domestic economy were held to be fit subjects for legislative interference. The Acts regulating apparel cannot, therefore, with propriety be omitted when describing the condition or commenting on the habits and usages of the people.

Of a character somewhat similar, and therefore not to be entirely passed over, was *The 3rd Henry 8th, cap.* 15. This statute, after providing for the protection of our native manufactures by prohibiting the importation of foreign hats and caps, directs "that no capper or hatter, nor other person, 1511-12. 3 Hen. VIII. cap. 15.

sell nor put to sale any cap or hat that shall be made within this realm, unless it be sufficiently wrought, and of a sufficient colour in every point, after the goodness and fineness of the wool whereof they shall be made, upon pain of forfeiture of 6*s.* 8*d.* for every cap or hat so sold;" and caps made of the finest "Leemynster wool" are to be sold for 3*s.* 4*d.*, and those made of the second sort for 2*s.* 6*d.*, and those of the third sort for 20*d.*, and those of the fourth sort for 12*d.* The price of caps made of the finest "Coteswold wool" is to be 2*s.*, of the second sort 16*d.* The caps made of Leemynster wool are to be marked with the letter L, and those made of the Coteswold wool with the letter C; and no capper or hatter is to take a higher price than the above, under a penalty of 11*s.* This is not only shutting out foreign competition, but regulating the home manufacture and fixing the price of the commodity. Could there be a more effectual mode of preventing improvement, and ensuring the worst article at the highest cost? Yet the measure was doubtless intended to produce the very opposite of these results, to benefit both the producer and consumer, the operatives and the community at large, and was probably popular at the time.

The next statute of this reign requiring notice is *The 6th Henry 8th, cap.* 3. It is entitled 'An Act concerning Artificers and Labourers,' and is a re-enactment verbatim of the *11th Henry 7th*,[b] which we have seen was only in force one year. The twenty years which had since elapsed seem to have called for no change in the rates of wages then fixed, and which differed little from those prescribed in 1444 by the *23rd Henry 6th*;[c] so that, after an interval of seventy years, we find no material difference in the rates of remuneration prescribed for labour. A corresponding steadiness

1514-15. 6 Hen. VIII., cap. 3.

[b] Ante, p. 99.

[c] Ante, p. 79.

is observable in the price of wheat. In 1442 and 1444 wheat stands in Sir Frederic Eden's Table of Prices at 6*s.* 8*d.* a quarter, and in 1514 and 1515 it stands at 6*s.* 8*d.* and 6*s.* respectively, although there had been great fluctuations in the intervening period, varying from 1*s.* the quarter in 1454 and 1*s.* 8*d.* in 1463, to 24*s.* the quarter in 1486 and 20*s.* in 1497. Taking the whole period between the years 1444 and 1514, however, 6*s.* appears to have been about the average price of a quarter of wheat.[d] Prices of provisions.

Under these circumstances, it would seem that a recurrence to the practice of fixing wages by statutory enactment, is only to be accounted for by a desire on the part of the master-class to prevent a rise, which the working classes were probably striving to obtain. The futility of such enactments is, however, proved by the results which invariably attend them. In the present instance, it was found necessary the year following to repeal the Act as far as it regarded masons, carpenters, and other artificers in the City of London. Wolsey's influence was now in the ascendant, and he was a great patroniser of building and builders, and probably interfered to procure the repeal.

In this and the following year two Acts were passed "concerning pulling down of towns," of a similar tendency to those of the preceding reign 1514, 1515. 6 and 7 Henry VIII., cap. 5 and 1.

[d] The following comparative statement of other articles, extracted from Sir Frederic Eden's Table of Prices, may here be useful in illustration of the circumstances of the two periods:—

In 1444.	*s.*	*d.*	In 1511.	*s.*	*d.*
A fat ox	31	3		13	4
A lean ditto	13	0		8	0
A sheep (1449)	2	5½		1	8
A calf	2	0		1	8
A pig	3	0		3	0
A goose	0	3		0	4
Three pigeons	0	1		0	1
A quarter of malt	4	0		4	0

These figures are not perhaps to be implicitly relied on, but they serve at any rate to show that no steady or decided rise in price had taken place in the interval between the above dates.

with reference to the Isle of Wight. These Acts (*The 6th Henry 8th, cap.* 5, and *The 7th Henry 8th, cap.* 1) recite, that great inconveniences are occasioned by the pulling down and destruction of houses and towns, and laying to pasture lands which have been usually occupied in tillage, to the great increase of idleness; as where 200 persons were daily occupied and lived by tillage and the breeding of cattle, "the said persons and their progeny are now minished and decreased, whereby husbandry, which is the greatest commodity of this realm, is greatly decayed." It is then directed that all towns, villages, and hamlets, and other habitations so decayed, shall be re-edified within one year, and that all tillage-lands turned to pasturage shall be restored again to tillage.

Pulling down of houses prohibited.

Nine years afterwards this question of the decay of towns and the increase of pasturage again became the subject of legislation. The preamble to *The 25th Henry the 8th, cap.* 13, declares, that divers of the king's subjects, "to whom God of his goodness hath disposed great plenty and abundance of moveable substance, now of late have daily studied and invented ways and means how they might accumulate and gather together into few hands, as well great multitude of farms as great plenty of cattle, and in especial sheep, putting such land as they can get to pasture, and not to tillage, whereby they have not only pulled down churches and towns, and enhanced the old rate of rents, or else brought it to such excessive fines that no poor man is able to meddle with it, but also have raised and enhanced the prices of all manner of corn, cattle, wool, pigs, geese, hens, chickens, eggs, and such other, almost double above the prices which hath been accustomed, by reason whereof a marvellous multitude of the people of this realm be not able to provide meat, drink, and clothes necessary for themselves, their wives, and children, but be so

1533-4. 25 Hen. VIII., cap. 13.

Consolidation of farms, and conversion of arable land to pasture, prohibited.

discouraged with misery and poverty that they fall daily to theft, robbery, and other inconvenience, or pitifully die for hunger and cold." It is then assumed that the chief reason influencing these "greedy and covetous people to keep such great portions of the land from the occupying of the poor husbandmen, and to use it in pasture and not in tillage, is the great profit that cometh of sheep—some having 24,000, some 20,000, some 10,000, some 6,000, some 5,000, and some more and some less." And it is then ordered, as a remedy for this supposed crying evil, that no man shall keep above 2,000 sheep, under the penalty of 3*s.* 4*d.* for every one kept by him above that number.

It appears from the tenour of this enactment that more capital and more skill were now being applied to the land, and hence "the gathering into few hands great multitude of farms, and great plenty of cattle, especially sheep." We may presume that the increase of capital, or what is called "the great plenty and abundance of moveable substance," had arisen mainly from the increase of trade and manufactures; and to this cause may also be attributed the increase in sheep-pasturing, wool being in greater demand for the purposes of the manufacturer, and consequently yielding a greater profit to the wool-grower. These circumstances denote an increase of employment, and consequently of social comfort, although it is possible, and not inconsistent with this general increase of comfort, that in certain of the rural districts distress may, as is asserted, have been occasioned by the changes then in progress.

So likewise the complaints made ten years subsequently in *The 35th Henry 8th, cap.* 4, of the decay of towns, must be regarded as arising from a similar change. The old walled and fortified towns had become of less importance in a time of peace and established order, and their corporate usages operated as restrictions upon trade, and especially on

1543-4. 35 Hen. VIII., cap. 4.

the manufacturer, who required space for his operations, and who was glad to remove to an open town or village as soon as he could do so with safety. Hence the decay of the old enclosed towns, and the gradual growth of new ones, more favourable as sites of manufacturing industry.

1541-2. 33 Hen. VIII., cap. 15. It is recorded of Manchester, so early as *The 33rd of Henry. 8th, cap.* 15, that "the inhabitants are well set a work in making of cloths, as well of linen as of woollen, whereby the inhabitants have obtained, gotten, and come into riches and wealthy living, and have kept and set many artificers and poor folk to work within the said town, and many poor folks had living and children and servants there, virtuously brought up in honest and true labour, out of all idleness." Such was doubtless the case in other places as well as Manchester, although these new seats of industry are overlooked in the lamentations for the decay of certain of the old towns.

State of Manchester.

1530-1. 22 Hen. VIII., cap. 10. In 'An Act concerning Egyptians,' passed in 1530-1 (*The 22nd Henry 8th, cap.* 10), we find the first statutory notice of that extraordinary people. The Act recites, "Forasmuch as afore this time divers and many outlandish people calling themselves Egyptians, using no craft or faicte of merchandise, have come into this realm, and gone from shire to shire and place to place, in great company, and used great subtle and crafty means to deceive the people, bearing them in hand that they by palmystire could tell men and women's fortunes, and so many times by craft and subtlety have deceived the people of their money, and also have committed many and heinous felonies and robberies, to the great hurt and decay of the people that they have come among." It is then ordained, that no such persons shall in future be permitted to come into this realm, under pain of imprisonment and forfeiture of all their goods; and further, that proclama-

tion should be forthwith made, commanding all the "Egyptians" then in the country to depart within sixteen days, under like penalties. It does not appear, however, that these directions were attended to, for the Egyptians or gipsies continued to infest the country as before, mingling with the people, and preying upon their credulity, and becoming more or less identified with the vagabond and mendicant classes; and so they have continued even to the present day.

Shortly afterwards was passed a most elaborately framed Act "concerning the punishment of beggars and vagabonds." This statute (*The 22nd Henry 8th, cap.* 12) is deserving of especial notice, affording, as it markedly does, a proof of the close and careful attention which was given to the subject at that time. The preamble recites that "in all places throughout this realm, vagabonds and beggars have of long time increased, and daily do increase in great and excessive numbers, by the occasion of idleness, mother and root of all vices, whereby hath insurged and sprung, and daily insurgeth and springeth, continual thefts, murders, and other heinous offences and great enormities, to the high displeasure of God, the unquietation and damage of the king's people, and to the marvellous disturbance of the common weal. And whereas many and sundry good laws and strict statutes and ordinances have been before this time devised and made for the due reformation of the premises, yet that, notwithstanding, the said numbers of vagabonds and beggars be not diminished, but rather daily augmented into great routs and companies, as evidently doth appear." It is then ordered, for remedy of these evils,—

1530–1. 22 Hen. VIII., cap. 12.

Beggars and vagabonds.

Firstly.—That justices of the peace, mayors, sheriffs, and other officers, shall from time to time, within the limit of their authorities, make diligent search of all aged poor and impotent persons which live by alms and charity; and the said justices, &c., may enable such of the said

impotent persons as they think convenient to beg and live of the charity and alms of the people, within a limit to them to be appointed, "and shall register their names in a bill or roll indented, the one part thereof to remain with themselves, the other part to be certified at the next sessions, there to remain under the keeping of the Custos Rotulorum;" and they are also to deliver to every impotent person so enabled to beg, a letter containing the name of such person, and witnessing that he is authorised to beg, and the limit within which he is so authorised; and the letter is to be sealed with a seal engraved with the name of such limit, and subscribed by one of the said justices, &c. And if any impotent person so authorised shall beg in any other place than within such prescribed limit, "the justices, mayors, and sheriffs may, at their discretion, punish such person by imprisonment in the stocks the space of two days and two nights, giving them only bread and water, and after that causing them to be sworn to return again without delay to the place where they were authorised to beg."

Punishment of beggars going beyond the limits assigned them.

Secondly.—If any such impotent person shall go about begging, having no such letter under seal, "the constables and other inhabitants within the town or parish where such person shall beg, shall cause him to be taken and brought to the next justice or high constable of the hundred, who shall command him to be stripped naked from the middle upwards, and cause him to be whipped, if it shall seem to the discretion of the said justice or high constable that it be convenient so to punish such beggar; and if not, then to command such beggar to be set in the stocks by the space of three days and three nights, there to have only bread and water." He is then to be furnished with a letter under seal, and assigned a limit within which to beg, and is to be sworn to repair thither immediately "after his punishment is to him executed."

Thirdly.—If any person or persons, "being whole and mighty in body, and able to labour," be found begging, or if any man or woman, being whole and mighty in body, and able to labour, "having no land master, nor using any lawful merchandise, craft, or mysterie, be vagrants, and can give no reckoning how he doth lawfully get his living," the constables and others of the king's subjects of every town, parish, and hamlet, are to arrest the said vagabonds and idle persons, and bring them before a justice of peace, high constable, mayor, or sheriff, "who at their discretion shall cause every such idle person to be had to the next market-town, or other place most convenient, and be there tied to the end of a cart naked, and be beaten with whips throughout the same town or other place, till his body be bloody by reason of such whipping; and after such punishment he shall be enjoined upon his oath to return forthwith the next straight way to the place where he was born, or where he last dwelled the space of three years, and there put himself to labour like as a true man oweth to do." The person so punished is to be furnished with a letter duly sealed, witnessing that he hath been punished according to this statute, and stating the day and place of his punishment, and the place whereunto he is limited to go, and by what time he is limited to come thither, within which time he may lawfully beg by the way. If he fails to obey the order appointed in the said letter, "he is eftsoons to be taken and again whipped, and so, as often as any default shall be found in him contrary to the order of this statute, he is in every place to be taken and whipped, till he be repaired to where he was born, or last dwelt for three years, and there labour for his living, without begging, as long as he is able so to do." And if, where any impotent person or strong beggar doth happen to beg contrary to this statute, the constables and inhabitants be negligent and fail to

Punishment of vagrants.

take and punish every such beggar, then the parish or township is to forfeit for every such default, if it be an impotent beggar 3*s.* 4*d.*, and for every strong beggar 6*s.* 8*d.*, "one half to the king, the other half to him that will sue for the same."

Fourthly.—"Scholars of the Universities of Oxford and Cambridge that go about begging, not being authorised under the seal of the said universities, and shipmen pretending losses of their ships and goods at sea, going about the country begging, without sufficient authority witnessing the same, shall be punished and ordered in manner as is above rehearsed of strong beggars. And all proctors and pardoners going about without sufficient authority, and all other idle persons going about, or abiding in any city, borough, or town, some of them using divers and subtle craft and unlawful games and plays, and some feigning to have knowledge in physic, physionomie, palmistry, or other crafty science, whereby they bear the people in hand that they can tell their destinies, diseases, and fortunes, and such other like fantastical imaginations," shall, if found guilty of any such deceits on examination before two justices, be punished by whipping two days together, after the manner before rehearsed. "And if he eftsoons be guilty of the same or like offence, then he is to be scourged two days, and the third day put upon the pillory from nine till eleven of the clock in the forenoon, and have one of his ears cut off; and if he offend a third time, he is to have like punishment of whipping and the pillory, and have his other ear cut off."

Fifthly.—If any person shall give harbour, money, or lodging, to any beggars, being strong and able to work, who act contrary to the form of this statute, every person so doing is subjected to such fine as the justices at their general sessions shall direct. And if any person or persons shall in anywise hinder the execution of this Act, or make rescue against any

mayor or other person endeavouring for the due execution thereof, such person or persons for every such offence shall lose and forfeit a hundred shillings, and over that have imprisonment at the king's will. And it is further ordered, that the Act shall yearly be read in open sessions, "to the intent that it may be the more feared and the better put in execution."

By thus reverting to greater stringency towards vagrants, it would seem that the more lenient course prescribed by the 19*th Henry 7th, cap.* 12,* had not proved successful. Indeed this is assumed in the present Act, which begins by asserting the great increase and excessive numbers of vagabonds and beggars, to correct which evil the several enactments are professedly framed. These enactments are here given nearly verbatim, and at greater length than usual, for the purpose of showing the great care bestowed on the subject by the framers of the statute, and also as affording much insight into the condition of the people, and the opinions and feelings prevalent at the time with respect to the vagrant classes.

The legislators of that day were strenuous in their endeavours to put an end to vagabondage in every shape; but they recognised the distinction between the impotent poor beggar and the able-bodied mendicant, and directed a different proceeding with respect to each. As regards the impotent poor, the proceeding seems to have been prescribed with a view to ascertaining whether it would be possible so to regulate mendicancy as to deprive it of its evil consequences; whether, in short, the sanction or toleration of begging, by means of a letter of licence under strict limitations and restrictions, might not be adopted without encouraging or leading to an increase of beggars. The experiment was made in a good spirit, but the result

Distinction between the impotent and able-bodied.

* Ante, p. 103.

could hardly have been regarded as doubtful, even at that early period. With respect to the able-bodied, the course adopted was more direct and more stringent. But the distinction thus made in the mode of treating the two classes, and which is laid down with such minuteness in the present Act, although doubtless important, still ends in sending both the one and the other back to the place of their birth or previous residence; granting to the impotent permission to beg, and requiring, but not enabling or in any way assisting, the able-bodied to set themselves to work. No provision is made for sustaining the weak, or for helping the strong to find employment; and, therefore, notwithstanding the severity of the punishments awarded, the statute was sure to fail of accomplishing the object for which it was designed.

The fourth provision, inflicting punishment on scholars of the two Universities who go about begging without being duly licensed, seems at the present day an extraordinary enactment; but it was not then so regarded. The priests and inferior clergy were all, more or less, beggars or solicitors of alms, and those of the mendicant orders were professedly such; so that, partly from custom and partly from teaching and example, not only was begging tolerated, but the profession of a beggar was regarded as not being disgraceful. Against habits and impressions thus countenanced and upheld, the legislature had to struggle in its endeavours to suppress mendicancy; and it was not until after the Reformation had been established, and the monastic orders suppressed, that mendicancy can be said to have been materially lessened, or that habits of self-reliance and feelings of self-respect became in any considerable degree prevalent with the people.

This Act (*The 22nd Henry 8th, cap.* 12) continued in force five years, at the end of which time it was repealed, and another elaborate statute was framed with

a like object. The present Act was, however, revived ten years afterwards; and, notwithstanding former failures, it appears to have been still much relied upon for defending the community against the spread of vagabondage and mendicancy.

The 27th Henry 8th, cap. 25, has the same title as the preceding Act, a deficiency in which it was intended to supply, and which is thus described in the preamble:—"And forasmuch as it was not provided in the said Act how and in what wise the said poor people and sturdy vagabonds should be ordered at their coming into their countries, nor how the inhabitants of every hundred should be charged for the relief of the same poor people, nor yet for setting and keeping in work and labour the aforesaid valiant vagabonds." It is then ordered that the mayors, bailiffs, constables, and other head officers of cities, towns, and parishes, "shall most charitably receive such poor creatures or sturdy vagabonds as are specified in the said Act," and shall succour, relieve, and keep the said poor people by way of voluntary charitable alms, in such wise as none of them shall of necessity be compelled to wander and go openly in begging; and also shall cause the said sturdy vagabonds and valiant beggars to be set and kept to continual labour in such wise as they may get their own living with the continual labour of their own hands. The mayors, bailiffs, constables, &c., are likewise "to endeavour to order and direct the poor people, valiant beggars, and sturdy vagabonds, in such wise that the present Act shall be duly observed and put in execution, upon pain that every parish shall forfeit twenty shillings for every month in which it is omitted and not done."

1535-6. 27 Hen. VIII., cap. 25.

"Valiant beggars" are to be set to work.

This provision, or rather direction, for setting the "sturdy vagabonds and valiant beggars" to work, is an important advance upon the previous Act; but still it was evidently feared that there might be a want of

means for carrying the provision into effect; and it is, therefore, further ordered, that the mayors and other head officers, &c., and the churchwardens or two others of every parish, "shall take such discreet and convenient order, by gathering and procuring voluntary alms of the good Christian people within the same, with boxes, every Sunday and holiday, or otherwise among themselves, in such good and discreet wise as the poor, impotent, sick, and diseased people, being not able to work, may be provided, holpen, and relieved; and that such as be lusty, having their limbs strong enough to labour, may be daily kept in continual labour, whereby every one of them may get their own living with their own hands." It is then also further ordered, that every parson, vicar, and curate shall exhort people to extend their charitable contributions from time to time for and towards the above objects; and they, or some other honest man of every parish, are to keep a book of reckoning, and therein enter all such sums of money as shall be gathered by the charitable alms of the inhabitants, and in what wise any part of the same money shall be spent. The book is to be bought and paid for by the constable and churchwardens, and to remain in the custody of two or three of them, or of some indifferent man by their consent, and not with the parson of the parish. It is, however, expressly declared that the alms are not compulsory, and that no one is "to be constrained to any such certain contribution, but only as their free wills and charities shall extend." The churchwardens and collectors are not to continue in office more than one year; and if there should be a surplus of alms collected in any one parish, it is to be applied in aid of other poor parishes near or adjoining.

Poor people not able to work are to be relieved.

An account of such relief to be kept.

After thus organising the collection and appropriation of alms, the Act goes on to direct that no person

shall make any common or open dole, or shall give any money in alms, otherwise than to the common boxes and common gatherings, for the purposes of this Act, "upon pain of forfeiting ten times the value of all such money as shall be given contrary to the tenour and purport of the same." And all persons and bodies politic and corporate, that are bound to give or distribute any money, bread, victuals, or other sustentation to poor people, must give the same into such common boxes, to the intent that it may be employed "towards relieving the said poor, needy, sick, sore, and indigent persons, and also towards setting in work the said sturdy and idle vagabonds and valiant beggars." This was a great stretch of legislative power, but it was no doubt necessary for affording even a reasonable chance of the collections proving sufficient for the intended object. It was likewise, it may be presumed, necessary for checking mendicancy and vagabondage; for as long as these doles and other established charities were distributed, so long would there be claimants to partake of them—they might occasionally afford relief to destitution, but it is certain that they would also help to create it, by diverting people from industrial pursuits and leading them to rely upon almsgiving.

A new description of offenders are noticed in this statute. They are described as idle persons, "ruffelers," calling themselves servingmen, but having no masters. They are expressly subjected to the penalties provided in this and the previous Act; and if, after having been once taken, whipped, and sent into any town, hundred, or parish, any of the aforesaid "ruffelers, sturdy vagabonds, and valiant beggars" wander, loiter, or idly play the vagabonds, and absent themselves from such labour as shall be appointed unto them, then, being apprehended, and upon due examination and proof, they are not only to be whipped again, and sent to the town or parish whereunto they

"Ruffelers" to be treated as "sturdy vagabonds."

were first appointed, but also "have the upper part of the gristle of the right ear clean cut off, so as it may appear for a perpetual token that he hath been a contemner of the good order of the common wealth." And every constable, with the assistance of the most substantial people of every parish where such "ruffeler, sturdy vagabond, or valiant beggar" shall happen to be taken, shall do or cause to be done this execution, as well in whipping as in cutting off the said upper gristle of the ear, upon pain of forfeiting five marks, and the inhabitants are to assist the said constables to the best of their power, upon the like pain. It is also further directed, that if any ruffeler, sturdy vagabond, or valiant beggar, having the upper part of the right ear cut off as aforesaid, be apprehended wandering in idleness, and it be duly proved that he hath not applied to such labours as have been assigned to him, or be not in service with any master, "that then he be committed to gaol until the next quarter sessions, and be there indicted and tried, and, if found guilty, he shall be adjudged to suffer death as a felon."

The only other section of this statute requiring notice is that which provides for placing poor children out in service. By *the 4th section*, it is enacted, that the governors, justices of the peace, and head officers and constables of every city, town, or parish, shall have authority "to take up all children between the ages of five and thirteen years, who are begging or in idleness, and appoint them to masters in husbandry or other crafts to be taught, by which they may get their livings when they shall come of age, giving to them of the said charitable collections clothing to enter into such service." And if any of such children between the ages of twelve and sixteen refuse such service, or depart from the same without reasonable cause, they are to be apprehended and openly whipped with rods, at the discretion of the said officers.

The several provisions of this comprehensive statute go a long way towards creating a parochial machinery for the relief and management of the poor, and seem in fact to have been the foundation of what was afterwards done in this respect. The Act is therefore deserving of particular notice, as well on this account as because it embodies all that the experience of the statesmen of the day could devise on the subject of the poor; and at no other time was more attention paid to this question or to the condition of the people generally. It is impossible to go through the numerous Acts passed in *the present reign*, often (as in the case of the two just cited) most elaborately framed, and bearing upon almost every point of social interest, without feeling convinced that the condition of the people occupied much of the attention of government. The views entertained were not always sound, nor the measures adopted always calculated to produce the best effects; sometimes indeed the very reverse, as in the instances already noticed of wages and apparel and sheep pasturage; but still attention was given, care was manifested, and the ease and comfort of the great mass of the people seem to have been earnestly desired both by king and parliament.

Thus, in 1532-3 complaint was made to the king on behalf of his "poor subjects of this realm" (*The 24th Henry 8th, cap.* 3), "that whereas before this time all manner of victual hath been sold at prices convenient, so that all your subjects, and especially poor persons, might with their craft or bodily labour buy sufficient for the necessity and sustentation of them, their wives, and children; but now all victual, and especially beef, mutton, pork, and veal, which is the common feeding of the mean and poor persons, are sold at so excessive price that your said needy subjects cannot gain with their labour and salary sufficient to pay for their convenient victual and sustenance;" and on this complaint it is ordered that beef and pork shall

1532-3. 24 Hen. VIII. cap. 3.

be sold at a halfpenny a pound, and mutton and veal at a halfpenny and half a farthing, and that the flesh shall be cut out in reasonable pieces according to the request of the buyer, "without fraud or covyn." But it is also further specially provided, that in places where beef, mutton, pork, and veal be sold at less prices, this Act is not to apply. In the following year another Act was passed (*The 25th Henry 8th, cap.* 1), confirming and enforcing the above, and further directing "that every owner, grazier, farmer, breeder, drover, and brogger, which shall have any beefs, muttons, veals, or porks fat and kept to be sold for man's meat, shall, whensoever any butcher shall resort to them to buy the same, make sale of their said cattle at such reasonable prices as the said butcher may retail the same again according to the effect of the said former Act."

1533-4. 25 Hen. VIII., cap. 1.

1533-4. 25 Hen VIII., cap. 2.

And about the same time an Act was passed (*The 25th Henry 8th, cap.* 2) enabling the Lord Chancellor and other high officers of state to fix and regulate the price of "cheese, butter, capons, hens, and chickens." But two years afterwards the above two first-cited statutes were repealed, and butchers were permitted "to kill and sell all manner of beef, pork, mutton, and veal at their pleasure, as freely as they did or might have done at any time before the making of the said statutes." We may therefore presume that, however well intended, the futility of such regulations, in all respects except as to the many inconveniences arising from them, had in the course of these two years become sufficiently apparent. Yet the price of cheese, butter, capons, and chickens was still left subject to the fiat of the Lord Chancellor.

The chief event of Henry's reign, however, and that which unquestionably led to the greatest improvement in the condition of the people, was the Reformation, or rather the emancipation of the kingdom from the thraldom of papacy, for the Reformation cannot be

said to have been fully established until the reign of Elizabeth—so deliberate was the preparation, and so gradual the bringing about, of this great religious revolution, notwithstanding its connexion with all the higher feelings of our nature, and the stirring circumstances by which it was attended. But the people generally, and no inconsiderable portion of the secular clergy, had been long prepared for the change, and went heartily with Henry in his repudiation of papal authority,[f] or it would not have been so quietly and effectually accomplished.

In 1532 an Act was passed (*The 23rd Henry 8th, cap.* 20), denouncing the extortions of the see of Rome, and prohibiting the payment of annates and first-fruits. The year following, by another statute (*The 24th Henry 8th, cap.* 12), the pre-eminence and authority of the king, and the sufficiency of the body spiritual to determine all questions of the law divine without the intermeddling of any exterior person, and of the temporality for all trials of property, are asserted, and appeals to Rome are prohibited under penalty of premunire. The next year another Act was passed (*25th Henry the 8th, cap.* 21), in which various grievous exactions "by the Bishop of Rome, called the Pope," are specified, and the independence of the realm is therein again asserted, and all payments to "the bishop or see of Rome" are prohibited. Again, by *The 26th Henry 8th, cap.* 1, the king is declared the supreme head of the Church of England; and finally, in 1536, the authority of "the bishop of Rome" within the king's dominions, and the usurpation of the papal power, are, by *The 28th Henry 8th, cap.* 10, declared to be extinguished: and all persons who shall by writing, teaching, or preaching uphold the same, are subjected to the penalties of premunire. This last Act

1536. 28 Hen. VIII., cap. 10.

[f] See Hallam's 'Constitutional History,' vol. i. pp. 56–63, 4th edition.

may, therefore, be said to have completed the severance of England from the see of Rome, and the king and the parliament forthwith set about remodelling and reforming the religious institutions of the country.

The "small abbeys, priories, and other religious houses of monks, canons, and nuns," were suppressed in 1536; and three years afterwards the dissolution of the larger abbeys and monasteries was decreed by *The* 1539. 31 Hen. VIII., cap. 13. *31st Henry 8th, cap.* 13. It is probable that these two measures may not at first have been popular, as all persons who had been maintained in and by such institutions, and those who had been accustomed to receive alms at their gates, would naturally lament the abolition, and might raise a cry after their accustomed doles. But of the evil tendency of all such establishments there can be no doubt. "It is obvious that the habits of indolence which the monastic institutions tended so strongly to cherish had the effect of increasing tenfold the evil which they were designed to cure. Multitudes of the idle and dissolute were sent forth from these haunts of profligacy; and the votaries of indolence and beggary, who were daily fed on the alms distributed at the doors of the religious houses, soon spread their debasing and demoralising influence through the land."[g]

The dissolution of these institutions, numerous and opulent as they were, could not however fail to produce very important results, not as affecting the poor alone, but with respect to the entire population; and these effects were greatly heightened by the circumstances involved in the reformation then in progress. The public mind, released from the shackles of the Romish Church, and excited by constant discussions on what was passing in reference to religion, not in England only but throughout Europe, would turn with increased

[g] See the Rev. Robert Burn's 'Historical Dissertation on the Law and Practice with regard to the Poor, and on the Modes of Charity,' p. 50.

energy to questions of domestic policy and social improvement. It has been well remarked, with reference to the social and economical effects of the Reformation, that "the overthrow of an institution so venerable as the (Romish) Church, and which had hitherto held down the whole national mind and habits of thought and action with so comprehensive and firm a grasp, was like the bursting asunder and passing away of all old customary bonds and enclosures, and a throwing open to all men of the clear broad field of a new era. But besides the universal excitement it thus diffused, and the constraint and benumbment from which it released the spirit and energies of the people, the abolition of the old religion operated also in a more palpable way to benefit the cause of the national industry, which is that of the popular strength, by the large number of additional hands it soon set to work in productive and profitable labour. It is calculated that about fifty thousand persons were wont to lead an idle and useless life in the English monastic institutions, and that, by the dissolution of these establishments and the abrogation of clerical celibacy together, about a hundred and fifty thousand persons of both sexes heretofore withdrawn from marriage, were added to the force by which the population is kept up. In the state of England in that age, such an addition to the effective stock of its population, was a direct augmentation of the sources of the public wealth."[h] The Reformation must therefore be kept prominently in view at this period, in all considerations regarding the condition of the people, or the relief of the poor.

That there was great need of such changes as followed the Reformation, is quite certain. So backward were the people at that time in much that concerns the comforts, and what may be called the smaller luxuries

[h] See 'Pictorial History of England,' vol. iii. p. 902.

of life, that it was not until the end of Henry's reign that sallads, carrots, turnips, and other edible roots were produced in England. These vegetables had previously been imported from Holland and Flanders, and when Queen Catherine wished for a salad, she was obliged to send a messenger thither to fetch it. Indeed, commercial intercourse was then mostly confined to the Low Countries, whose merchants purchased our English woollens and other commodities, and distributed them to other parts of the world. In proof of the demoralization which prevailed, it is only necessary to state that seventy-two thousand criminals were executed for theft and robbery during Henry's reign, which would be equal to an average of two thousand a-year. The condition of the people in a religious and moral point of view must have been low indeed, to render such a fearful sacrifice of life at the shrine of justice necessary for the protection of property, although other causes may have tended to increase its insecurity. That one other cause existed in the absence of an adequate provision for the relief of the destitute, has been shown in the preceding pages; and this may, perhaps, account for much of the criminal violence which the strong arm of the law was called in to punish and repress. But it is nevertheless certain that the moral habits of the people were then of a very low standard, and we cannot but suppose that this must have been in some degree owing to the nature of the religious instruction imparted to them.

No further statute respecting the poor was passed in this reign, after *The 22nd Henry 8th, cap.* 12, and *The 27th Henry 8th, cap.* 25,[1] and these two Acts remained thenceforward in concurrent operation. Henry died on the 28th of January 1547, and was succeeded by his son, Edward the Sixth, then only ten

1547-1553. Edward VI.

[1] See ante, pp. 115 and 121.

years of age. His mother and his tutors were all favourers of the Reformation, for which the prince himself, who is described as of very precocious intellect, was also said to be zealous. His uncle and chief adviser and guardian, the Duke of Somerset, was a decided supporter of the reformed doctrines, and with him and Archbishop Cranmer chiefly rested the duty of maturing and establishing the ritual and order of our Reformed Church, very nearly as they exist at the present day.

One of the earliest Acts of Edward's reign was *The 1st Edward 6th, cap.* 3, "for the punishment of vagabonds, and for the relief of the poor and impotent persons." Between eight and nine years had now elapsed since the monasteries and religious houses were suppressed, and one consequence of their suppression was to throw back upon the community a number of the vagrant and mendicant class who had been accustomed to derive their chief support from those establishments. The numbers thus driven to levy contributions on the public must have been considerable, and would grievously augment the evil against which legislation had been so long and so strenuously directed. Accordingly, this statute begins by reciting that "idleness and vagabondage is the mother and root of all thefts, robberies, and other evil acts and mischiefs, which the king and parliament hath often with great travail endeavoured to repress; but owing to the foolish pity of them which should have seen the laws executed, the said goodlie statutes have hitherto had small effect, and idle and vagabond persons, unprofitable members, or rather enemies of the common wealth, have been suffered to remain and increase, who, if they should be punished by death, whipping, imprisonment, or with other corporal pain, it were not without their deserts; yet if they could be brought to do service, it were much to be desired." All statutes and Acts here-

1547. 1 Edw. VI., cap. 3.

tofore made for the punishment of vagabonds and sturdy beggars are then declared to be "repealed, void, and of none effect."

After thus repealing all previous enactments, the Act proceeds to establish a series of punishments for idle vagabonds,—"whether man or woman, not being lame, impotent, or so aged or diseased with sickness that he or she cannot work." Every loitering and idle wanderer, who shall refuse to apply himself to honest labour, or to work for wages, or for his meat and drink, or who shall run away from work he has agreed to perform, is to be taken for a vagabond; and if he continue idle and refuse to labour, or run away from work set him to perform, he is to be branded with the letter V, and be adjudged a slave for two years to any person who shall demand him, to be fed on bread and water and refuse meat; and caused to work in such labour, "how vile soever it be, as he shall be put unto, by beating, chaining, or otherwise." If he run away within the two years, he is to be branded in the cheek with the letter S, and adjudged a slave for life; and if he run away again, he is to suffer death as a felon.

Loitering, idle wanderers.

"The loitering and idle wanderer," if no man demanded him, is to be examined by any justice of the peace who might happen to espy him; and if it shall appear that he had been an idle vagrant and vagabond the space of three days, the justice is to cause the letter V to be marked on his or her breast with a hot iron, and then to send him to the place where he was born, there to be compelled to labour in chains or otherwise on the highways, or at common work, or from man to man, as the slave of the inhabitants, who are to set and keep him at work, upon pain of forfeiting, for every three days the slave shall be idle by their default, 5*l.* if a city, 2*l.* if a borough, and for a town or village 20*s.* If it appeared that he was not really born

in the place of which he represented himself as being a native, he is to be branded in the face, and remain a slave for life. And it is further ordered, that the master of any slave may put a ring of iron about his neck, arm, or leg, "for the more knowledge and surety of keeping him."

The Act further provides, that a young beggar, or the child of a beggar, whether it be male or female, between the ages of 5 and 14, "idly wandering about as a vagabond," may be taken by any manner of person from any such beggar, "being the mother, nurser, or keeper thereof, whether they be willing or not;" and upon the person's promising before a justice of the peace to bring the child up in some honest labour or occupation, the justice may adjudge the said child to be servant or apprentice to the person so promising, until it reach the age of 20 if a woman-child, and until 24 if a man-child; and if any child so adjudged shall run away from such master or mistress, the child may be taken again and punished in chains or otherwise, and be used in all points as a slave for the time above specified; and the master or mistress is then empowered "to let, set forth, sell, bequeath, or give the service and labour of such slave-child to any person or persons whomsoever he will." Slaves, or children so adjudged, wounding their master or mistress in resisting their corrections or otherwise, or either before or after they are set free conspiring to do them mischief of any kind, are "to suffer the pains of death as in case of felony;" or else, if the master or mistress, or any other person, be willing to take them, they are to become to such persons slaves for life.

The children of beggars and idle wanderers.

Provision is likewise made in this Act (*The 1st Edward 6th, cap.* 3) for the care and relief of the aged, infirm, and impotent poor, and for preventing their wandering and begging out of their

Aged and impotent poor.

own districts, not differing materially from what was ordained by the 27*th Henry the* 8*th*,[k] except only that it is more strictly enjoined that such of this description of poor as are capable of doing anything shall be kept at work; and also, that beggars not belonging to the district, are directed to be sought for by the mayors, sheriffs, constables, and other officers, under a penalty of forty shillings for every default, and conveyed to the place where born or where most conversant, to be there kept and nourished of alms; and the curate of every parish is enjoined, "according to such talent as God has given him," to exhort his parishioners to remember the poor according to their means, and the need there be for their help.

This statute was repealed two years afterwards, and now deserves attention chiefly on account of its exhibiting the ruthless spirit which had been called forth in the country by the spread of mendicancy and vagabondage, and which influenced the legislature to pass so stern and revolting a law.

It is clear that such extreme severity was soon found to be wrong, for *The* 3*rd and* 4*th Edward* 6*th*, *cap.* 16, recites, as a reason for repealing the above statute, "that the good and wholesome laws of the realm had not been put in execution because of the extremity of some of them." *The* 22*nd Henry* 8*th*, *cap.* 12,[m] is then revived, and its provisions "concerning how aged and impotent persons should be ordered for their better relief, and how vagabonds and strong beggars should be punished, and every matter, article, proviso, and sentence therein contained are established, and from henceforth are to stand in full strength and virtue as a perfect Act of Parliament for ever." The directions for removing the aged, impotent, and infirm poor to the place of birth or last

1549-50. 3 and 4 Edward VI., cap. 16.

[k] Ante, p. 121.

[m] Ante, p. 115.

residence, and for keeping such of them as are able at work, are, however, again enacted in all their original stringency; and if they refuse to work, or run away, or beg in other places, they are then "to be punished with stocking, beating, or otherwise, as shall seem convenient."

In the following year *The 5th and 6th Edward 6th, cap.* 2, was passed, with the professed object and intention, as set forth in the preamble, "that valiant beggars, idle and loitering persons, may be avoided, and the impotent, feeble, and lame provided for, which are poor in very deed." By this statute that of the year preceding, and the Act of the 22*nd Henry 8th, cap.* 12, are confirmed and commanded to be justly and truly put in execution. The Act then directs that in every city, town, and parish, a book shall be kept by the parson, vicar, or curate, and the churchwardens, containing the names of the householders, and of the impotent poor; and that the mayor and head officers in towns, and the parson and churchwardens in every parish, shall yearly, in Whitsun week, "openly in the church, and quietly after Divine service," call the householders and inhabitants together, and shall elect and appoint two able persons or more to be collectors of the charitable alms of the residue of the people for the relief of the poor. And the Sunday next, or Sunday following, when the people are at church, "the said collectors shall gently ask and demand of every man and woman what they of their charity will give weekly towards the relief of the poor, and the same is to be written in the same book. And the collectors shall justly gather and truly distribute the same charitable alms weekly to the said poor and impotent persons, without fraud or covine, favour or affection, and after such sort that the more impotent may have the more help, and such as can get part of

1551–2. 5 and 6 Edward VI., cap. 2.

Collectors of alms for the relief of the poor.

their living have the less, and by the discretion of the collector to be put in such labour as they be able to do; but none are to go or sit openly begging, upon pain limited in the aforesaid statute." If any person, being able, shall obstinately and frowardly refuse to give towards the help of the poor, or wilfully discourage others from so charitable a deed, the parson and churchwardens are gently to exhort him, and, if he will not be so persuaded, then the bishop is to send for him, to induce and persuade him by charitable ways and means, and so to take order according to his discretion. No person elected and nominated to the office of collector is permitted to refuse to execute the same for one whole year, upon pain of forfeiting twenty shillings to the alms-box of the poor. And the collectors are to account quarterly to the town and parish authorities, at which accounting "such of the parish as will may be present."

Collectors to account quarterly.

This is the last statute passed in Edward's reign having immediate reference to the poor, and it leaves the law nearly the same as it was at his accession, the chief difference being an improved organization for collecting alms and distributing relief, the necessity for which, in the absence of any established provision, had now, it must be presumed, become very urgent. The officers designated for this purpose, have a close resemblance to the overseers of the poor not long afterwards appointed in every parish, and of whom these collectors may be regarded as the precursors.

There were, however, other Acts in Edward's reign which, although not bearing directly upon the poor as a separate class, affected them in common with the rest of the community, and exercised a considerable influence on the social condition of the people; and to these it will be necessary briefly to advert.

The first is entitled 'An Act touching Victuallers and Handicraftsmen' (*The 2nd and 3rd Edward 6th*,

cap. 15). This Act recites, that "sellers of victuals, not contented with moderate and reasonable gain, have conspired and covenanted together to sell their victuals at unreasonable prices;" and likewise, that "artificers, handicraftsmen, and labourers, have made confederacies and promises, and have sworn mutual oaths, not only that they should not meddle one with another's work, or perform and finish that another hath begun; but also to appoint how much work they should do in a day, and what hours and times they shall work, to the great hurt and impoverishment of the king's subjects." All such combinations are, therefore, now declared to be illegal, and the parties joining in them are, for the first offence, subjected to a penalty of 10*l.*, or imprisonment for twenty days; for the second offence, to a penalty of 20*l.*, or the pillory; and for a third offence, to a penalty of 40*l.*, or pillory with the loss of his ears; and also "shall at all times afterwards be taken as a man infamous, and his depositions or oath not to be credited." We here see that combinations of workmen existed at that period as well as in a later day, and that it was found necessary to put them down by strong penal enactments. But as respects the selling of victuals, legislative interference could not have been needed; for any combination of sellers to demand excessive or unreasonable prices would naturally, in a little time, bring about its own correction. If the prices were so high as to yield a return above the usual rate of profit on capital, other competitors would come in, and then the equilibrium would be restored without violence or the necessity for legislation, a free and open market being all that is required for adjusting the prices of commodities.

1548. 2 and 3 Edward VI., cap. 15.

Combinations of workmen and others prohibited.

With respect to the combining of the artizans, handicraftsmen, and labourers above described, if this was occasioned by their wages being at that time unduly

depressed below what, as free men giving their labour in return for the means of subsistence, they were reasonably entitled to demand, they would doubtless be warranted in agreeing or combining together for the purpose of obtaining an increase, provided it were done without violence, coercion, or intimidation of any kind. There must be no threatening or insult to the employers —no inflammatory appeals to the passions or fears of the workmen. It is essential that both be left entirely free, each working-man to dispose of his labour on such terms as he deems most advantageous, either singly or conjointly with others, at his own option; and every master to employ whomsoever he pleases, and on whatsoever terms he may choose or be able to make.

The combinations prohibited in the above Act were not so conducted. It appears that restrictions were imposed on workmen by the artizans themselves, prescribing who should and who should not work, the quantity of work which each man should perform, and the particular times he should be employed. This was an unwarrantable interference with the freedom of action to which every man is entitled, and it was necessary for the protection of all parties that it should be prohibited; and for none was it more necessary than for the workmen themselves, who are always the greatest sufferers on such occasions. Experience shows that combinations never take place without bringing privation and suffering in their train, nor without exciting distrust and ill-feeling between the operatives and their employers, to the injury of both. Combination is a two-edged weapon, which cannot be wielded without danger. It may prove fatal to both parties, and is sure to injure the weaker, that is the workmen; who often, nevertheless, in disregard of this fact, allow themselves to be led on by restless and uneasy spirits of their own class, until they find themselves entangled in engagements from which they can

Effects of such combinations.

not escape, and the penalties consequent on which are in the end heavily visited upon themselves and their families.

In 1551 the old alarm about the conversion of tillage land into pasture[n] was revived, and *The 5th and 6th Edward 6th, cap.* 5, was passed "for the maintenance and increase of tillage and corn." It recites that tillage has of late been much decayed, by such as have converted to pasture lands usually put in tillage; and it enacts that "as much land or more shall be put wholly in tillage, and used and sown according to the custom of the country and nature of the ground, and so shall be continued and used for tillage and sowed for ever, by the owners, farmers, or occupiers thereof, as was or hath been put in tillage in any one year since the first year of King Henry the Eighth," upon pain of forfeiting five shillings annually for every acre not so put and kept in tillage; and commissioners are appointed to see that the Act is obeyed. It had not yet been proved that matters of this nature are best left to the discretion of the parties interested, and that legislative interference on such occasions is invariably either useless or mischievous. The anxiety manifested for increasing the supply of corn shows, however, that the consumers of corn had increased in number, or else that each required a larger quantity. In all probability both causes existed at this time. Population had increased, the people lived better, and their general condition was improved.

1551-2. 5 and 6 Edward VI., cap. 5.

In the same year *The 5th and 6th Edward 6th, cap.* 22, was passed "for the putting down of gigge-mills." It states in the preamble that certain mills called "gigge-mills" are newly devised, erected, and used in many parts of the country, for the perching and burling of cloth," by reason whereof

1551-2. 5 and 6 Edward VI., cap. 22.

[n] See ante, pp. 95 and 112.

the true draperie of this realm is wonderfully impaired, and the cloth thereof deceitfully made." It is therefore directed that such mills shall not be used, under a penalty of 5*l.* "for every cloth wrought in or by any of the said mills called gigge-mills." The reason assigned for this prohibition is the injury caused to the manufactured article. If this were really the case, and that the character of our woollens in the markets of the world was injured by the use of these mills, there would be ground for the prohibition, our woollen manufacture being at that time the great staple of the country, and affording the means of subsistence to a large number of the people. But the prohibition is more likely to have originated in a fear and jealousy of machinery's interfering with manual labour, on which account it is noticed here. Such jealousy and fear have been manifested with respect to almost every kind of machinery, or new mechanical invention; and have often occasioned great mischief, and led to the destruction of much property, through the misguided violence of the operative classes; who are nevertheless, in the end, always gainers by such improvements.

Gigge-mills prohibited.

In the second year of Edward's reign, 'The Act for the Uniformity of Service and Administration of the Sacraments' was passed. This Act was at that time so necessary for quieting the public mind, then in a state of great excitement on the subject of religion, that its importance can hardly be overestimated. Cranmer, the archbishop of Canterbury, and certain of the most learned and discreet bishops and other learned men, were appointed "to consider and ponder the premises, having as well an eye and respect to the most sincere and pure Christian religion taught by Scripture, as to the usages in the primitive Church, and to draw and make one convenient and meet order, rite, and fashion of common and open

1548. 2 and 3 Edward VI., cap. 1.

prayer and administration of the sacraments, to be had and used." The Book of Common Prayer was accordingly framed, and laid before the lords spiritual and temporal and commons in Parliament assembled, who, considering "the godly prayers, orders, rites, and ceremonies in the said book, and the considerations of altering those things which be altered, and retaining those things which be retained," do pray that it may be ordained and enacted, and that all ministers in cathedrals and parish churches or other places shall be bound to use the services in such order and form as is mentioned in the said book, and none other. This was accordingly done, and copies of the Book of Common Prayer were ordered to be placed in every church, at the cost of the parish. The passing of this Act, and the distribution throughout the country of so beautiful and comprehensive a form of public worship as was thus promulgated, and in which the people were themselves to join and take a part, could not fail of being highly beneficial. It must have fallen like oil upon the troubled waters, and helped to still the jarring elements of theological controversy and sectarian strife.

The Book of Common Prayer ordained.

Edward died on the 6th of July 1553, at the early age of sixteen, to the great grief of the nation; and he was succeeded by his eldest sister, the princess Mary, then in her thirty-seventh year. The first Act of Mary's reign, was to assert her own legitimacy; the second, to repeal all the innovations in the religious service made by her predecessor; and the third, to provide for the punishment of persons disturbing licensed preachers in their sermons, or priests while performing mass. Mr. Hallam remarks that "the queen, in fact, and those around her, acted and felt as a legitimate government restored after an usurpation, and treated the recent statutes as null and invalid." "The Latin Liturgy was restored, the married clergy expelled

Queen Mary. 1553–1558.

from their livings, and even many Protestant ministers thrown into prison for no other crime than their religion, before any change had been made in the established laws."[o]

In the same year, an Act was passed against rebellious assemblies. This Act (*The 1st Mary, cap.* 12) directs, 1553. 1 Mary, cap. 12. that if any persons, to the number of twelve or above, shall assemble and go about to alter or change any laws established for religion, and being commanded by the sheriff, or any justice of the peace, or the mayor of any corporate town, to retire to their own homes, shall in riotous manner remain and continue together one whole hour after such commandment, they shall be adjudged felons, and suffer execution of death as in case of felony.

The insurrection under Sir Thomas Wyat broke out in January of the year following (1554), professedly against the queen's intended marriage with Philip of Spain, which in the people's minds was identified with the re-establishment of popery. The insurrection was, however, speedily suppressed, and the marriage took place on the 25th of July following, that being the festival of St. James, the patron saint of Spain. Shortly afterwards an Act was passed "against seditious words 1554-5. 1 and 2 Philip and Mary, cap. 3. and rumours," by which a penalty of 100*l.*, or else the pillory and loss of ears, was enacted against any person who shall utter seditious slanders against the king or the queen. Persons repeating the same are to suffer the loss of one ear, or pay a fine of a hundred marks, and be imprisoned one month; and any person writing against the king or queen is to suffer the loss of his right hand. An Act was likewise passed 1554-5. 1 and 2 Philip and Mary, caps. 8, 9, and 10. "repealing all statutes, articles, and provisions made against the See Apostolick of Rome," and announcing the arrival of Cardinal Pole as

[o] See Hallam's 'Constitutional History,' vol. i. p. 41, 4th edition.

Legate from the Pope, whose pardon of England and the English people had been obtained through the intercession of the king and queen. And this is followed by another Act, which recites that divers naughty and heretical persons, in a devilish sort, contrary to the duty of their allegiance, have in conventicles and other profane places, esteeming themselves to be in the true faith, whereas indeed they are in errors and heresies, prayed against the queen's majesty that God would turn her heart from idolatry to the true faith, or else to shorten her days, or take her quickly out of the way. It then enacts, that "all persons making such prayers, and their procurers and abettors, shall be taken and judged traitors, and shall suffer and forfeit as in cases of high treason." And another Act immediately followed, making slanders against the king and queen punishable by forfeiture of lands, goods, and chattels, and imprisonment for life.

The religion of a people is so intimately connected with their social well-being, and exercises so powerful an influence upon every class, the poor as well as the rich, that reference to it could not with propriety be omitted in a work like the present; and I have therefore briefly gathered these several enactments under one view, as they throw light upon the state of religious feeling in England at that time, and moreover prove that the queen's zeal in favour of "the old religion," as it was called, was not responded to by the country, but, on the contrary, that a strong feeling existed in favour of the reformed doctrines and ritual established in the last reign, the abrogation of which was directly opposed to the wishes of a very large section of the people. The jealousy and dislike of popery were, no doubt, greatly increased after the Spanish marriage, which it was feared would tend to re-impose and rivet the chains of the papacy; and these feelings kept on increasing throughout the whole of Mary's uneasy reign, being continually

fed by the persecution to which Protestants of every denomination were subjected.

The 5th and 6th Edward 6th, cap. 2, for "putting down valiant beggars," and for relieving those "who are poor in very deed,"[p] was continued by *The 1st Mary, cap.* 13; and by *The 2nd and 3rd Philip and Mary, cap.* 5, the *22nd Henry 8th, cap.* 12,[q] and the above-named statute of Edward, are both confirmed and continued, subject to the amendments then made. The first of these amendments regarded the collection of alms. It is now enacted, that yearly on some one holy-day in Christmas, in every city, borough, and town corporate, the mayor, bailiffs, or other head officers, and in parishes the parson, vicar, or curate, and the churchwardens, having a register of the names of the inhabitant householders, and of all such impotent, aged, and needy persons as are not able to live of their own labour, shall openly in the church, after divine service, call the inhabitants together, and shall appoint two able persons collectors of the charitable alms for the relief of the poor; which collectors, the Sunday next after their election, or the Sunday following, when the people are at church, shall gently demand of every man and woman what they of their charity will be contented to give *weekly* towards the relief of the poor; and the said collectors shall justly gather and truly distribute the same charitable alms *weekly* to the said poor and impotent persons, in such manner that the more impotent may have the more help, and such as can get part of their living may have less, and be put to such labour as they are able to do: "but none are to go or sit openly a begging, upon pain limited in the aforesaid statutes."

1555. 2 and 3 Philip and Mary, cap. 5.

Weekly collections for the poor.

It is also enacted, that if any person, being able, shall obstinately and frowardly refuse to give towards the help

[p] Ante, pp. 135 and 115.

[q] Ibid.

of the poor, or shall discourage others from so doing, the parson and churchwardens shall gently exhort him, and, if he will not be persuaded, then the bishop shall send for him, and "take order for the charitable reformation of every such obstinate person." And it is further directed, that if any parish has more poor than it is able to relieve, upon certifying the number and names of the persons with which it is overburthened to two justices of peace, they may grant to as many of such poor folk as they think good "a licence to go abroad to beg and receive charitable alms out of the said parish, in which licence the places to which such poor folk may resort shall be named; and if any of them transgress the limits so to them appointed, or beg at other places than are named in the licence, the party so transgressing is to be taken for a 'valiant beggar,' and punished according to the statute *22nd Henry 8th*,[r] and the licence taken from him." Moreover such licensed beggars are to wear openly, on the breast and back of their outermost garment, some notable badge or token to be assigned by the parish authorities, with the assent of the justices.

This Act was to endure only to the end of the next session of parliament, but it was renewed by *The 4th and 5th Philip and Mary, cap.* 9, on the ground that it had been found "good and beneficial for the common wealth of this realm." It does not differ materially from the *5th and 6th Edward 6th, cap.* 2,[s] but it is a little more full and explicit in its provisions. It likewise enables justices to grant permission for poor persons to go abroad to beg, in cases where a parish happens to be overburthened with poor, which may be regarded as equivalent to a rate in aid; and it also establishes the practice of badging the poor. Neither of these provisions are contained in the statute of Edward.

1557. 4 and 5 Philip and Mary, cap. 9.

There are two or three other Acts of Mary's reign

[r] Ante, p. 115.

[s] Ante, p. 135.

which incidentally bear upon the condition of the people, and exemplify the spirit of the period. Thus by *The 1st and 2nd Philip and Mary, cap.* 2, another attempt is made "for the reformation of excess in apparel," and all persons not being the son and heir of a knight, or not worth 200*l.* in goods, or not having 20*l.* a-year in land, offices, fees, or other revenues, are prohibited wearing "any manner of silk in or upon their hat, bonnet, nightcap, girdle, hose, shoes, scabbard, or spur-leathers, on pain of three months' imprisonment, and a fine of 10*l.* for every day's wearing contrary to the tenour of this Act." Women may, however, wear in their caps, hats, girdles, and hoods, as they before might lawfully use and wear. Persons keeping servants, and permitting or conniving at their wearing silk contrary to this Act, are subjected to the heavy fine of 100*l.* It may hence be inferred, that people of the middle class, as they increased in wealth and attained a higher social position, were desirous of making a better and gayer appearance in their clothing—in short, that, as Hamlet says, "the toe of the peasant came so near the heel of the courtier that he galled his kibe."

1554-5. 1 and 2 Philip and Mary, cap. 2.

By *The 1st and 2nd Philip and Mary, cap.* 4, the statute of Henry the Eighth against the *gipsies*,[t] or persons calling themselves Egyptians, is revived. It is declared in the preamble, "that divers of the said company, and such other like persons, not fearing the penalty of the said Act, have come over again into this realm, using their old accustomed devilish and naughty practices, with such abominable living as is not in any Christian realm to be permitted, named, or known." A fine of 40*l.* is then imposed on any person bringing over any such Egyptians; and any of them who may have been so brought, and re-

1554-5. 1 and 2 Philip and Mary, cap. 4.

[t] Ante, p. 114.

maining a month, are declared felons. The inducements must have been very strong to lead to their "coming over" in the face of such a penalty.

The 1st and 2nd Philip and Mary, cap. 5, is directed to restrain the exportation of corn and provisions of any kind, under penalty of forfeiting double the value of the commodities exported, and one year's imprisonment of the master and mariners of the exporting vessel. The price of wheat this year, according to Sir Frederic Eden's table, advanced from the statutory exportation price of 6*s.* 8*d.* a quarter to 16*s.* a quarter; and the year following it advanced from 8*s.* at the commencement to 25*s.* a quarter in the latter end of the year. These enormous fluctuations must have caused much distress among the people, for whom steadiness of price is the chief essential. To a steady continuous range of either high or low prices the rate of wages may, and probably will, in the long run conform; but sudden and great advances in price do not admit of such conformity, and must necessarily entail privation and suffering on the working classes,—on all, in short, who subsist on the proceeds of their own labour in any shape.

1554-5. 1 and 2 Philip and Mary, cap. 5.

Prices of wheat.

In the following year an Act was passed (*The 2nd and 3rd Philip and Mary, cap.* 2), entitled 'An Act for the re-edifying of decayed Houses of Husbandry, and for the Increase of Tillage.' It recites and confirms the *4th Henry 7th, cap.* 19,[a] which is declared to be "good and profitable to the common wealth;" and it then declares that the Act shall extend to houses having 20 acres or more of land attached, "whether the same or any part thereof be, hath been, or shall be, used or put in tillage or not," and commissioners are appointed to inquire and take surety from offenders, and to take order for re-edifying

1555. 2 and 3 Philip and Mary, cap. 2.

[a] Ante, p. 95.

decayed houses, and for re-converting land into tillage, at their discretion. This is immediately followed by another Act (*cap.* 3) for "the keeping of cows and breeding of calves," which recites that "of late years great numbers of persons have laid their lands, farms, and pastures to feeding of sheep, oxen, runts, and such-like cattle, having no regard or care to breed and rear up young beasts, whereby is grown great scarcity of cattle and victual necessary for the sustenance of divers sorts of people; and more is like to be, if speedy remedy be not provided." It is then enacted, under a penalty of twenty shillings, that one milch cow shall be kept for every threescore sheep, and one calf be reared for every six-score sheep; and for every ten oxen or other beasts one milch cow shall be kept, and a calf be reared in the proportion of one for every two cows annually.

1555. 2 and 3 Philip and Mary, cap. 3.

"The scarcity of victual" (*i. e.* butcher's meat), notwithstanding the conversion of arable land into pasture immediately before complained of, seems to indicate an increase in the demand, rather than a decrease in the supply, as is assumed by the framers of the Act. The people earned more, and were enabled to consume food of higher price and quality, and hence probably the apparent deficiency which the above legislation sought to remedy.

There does, however, appear to have been a general increase in money prices during the preceding half-century, occasioned perhaps in some degree by the influx of the precious metals from the New World. On referring to Sir Frederic Eden's table of prices, we find, in 1500, the price of an ox set down at 11*s.* 8*d.* In 1511, 13*s.* 4*d.* is given as the price of a fat beeve, and 8*s.* as the price of a lean one. In 1531, the price of a large ox is 1*l.* 6*s.* 8*d.*; and in 1551 a best fat ox is set down at 2*l.* 13*s.* 4*d.*, a middling one at 2*l.* 3*s.* 4*d.*, and an inferior one at

General increase of prices.

1*l.* 13*s.* 4*d.* These prices are, of course, not to be regarded as an accurate measure of any alteration which may have taken place, so much depending on the size and condition of the animals; but they seem to warrant a conclusion that there was an actual increase of price within the above period, and this is confirmed by an examination of other items in these tables: thus, a wether sheep, unclipped, is valued at 1*s.* 8*d.* in 1500; in 1529 a wether is valued at 2*s.* 4*d.*; and in 1551 the price of a best lean sheep is set down at 3*s.* 4*d.*, and a best fat sheep at 5*s.*; the inferior sort of each being valued at 2*s.* and 3*s.* respectively. In 1500 the price of a goose is 4*d.*; of a dozen pigeons, 4*d.*; and of a hundred eggs, 6*d.* In 1541 it is for a goose, 7*d.*; for a dozen pigeons, 10*d.*; and for a hundred eggs, 1*s.* 2*d.* The price of wheat within this period exhibits extraordinary variations. Thus, in 1500 it was 3*s.* 4*d.* a quarter; in 1501 it was 6*s.* 8*d.* and 7*s.* 4*d.*; in 1504 it was 5*s.* 8*d.*; in 1511 it was 6*s.* 8*d.*; in 1516 it was 6*s.* and 10*s.* 8*d.*; in 1521 it was 20*s.* and 26*s.* 8*d.*; in 1527 it was 15*s.* and 20*s.*; in 1528 it was 26*s.* 8*d.* and 9*s.* 6*d.*; and in 1530 it fell to 5*s.* 4*d.* and 6*s.* 5*d.* It rose again in 1537 to 13*s.* 4*d.*; in 1541 to 18*s.* 8*d.*; and in 1544 to 25*s.* 4*d.* In 1550 it was 13*s.* 4*d.*; and in 1551 it sunk to 8*s.* In 1552 it was 21*s.* and 14*s.*; but in 1553 it again fell to 8*s.*, and so continued, without material variation, till the latter end of 1555, when it was for a short time at 25*s.* In 1556 the price of wheat ranged from 8*s.* the quarter in the early part of the year, to 53*s.* 4*d.* before harvest, and 5*s.* the quarter immediately after harvest.

If the extreme variations above indicated, be regarded as referable to unproductive seasons, and therefore exceptional, the average price at the commencement of the half-century may, as has been stated,[x] be taken at

[x] Ante, p. 111.

6*s*. the quarter, and at the end of it at 10*s*. This is probably about the ratio of increase in the price of commodities generally during the period, which may be considered as being fully one-half in excess of what it was at the commencement of the century.

With reference to the above prices, Sir Frederic Eden, in a note at foot of his table, observes that, "in noting the money prices of provisions about this time, it should be remarked that this year (1550) the shilling was reduced by proclamation to sixpence, as the coin had been much diminished by clipping." This is another element of disorder affecting an estimate of change in the price of commodities, the precise amount of which it is now impossible to ascertain, for the proclamation seems only to have given a public sanction to that change in the value of the coin which had in fact been already made by means of clipping; but when made, or how long this change had been in progress, does not appear. All that can be said with certainty on the subject is, that there was at this time nothing to call for or to warrant an interference of the legislature, either to prevent the conversion of arable land into pasture, or to enforce the keeping of cows and rearing of calves. Such interferences almost invariably produce effects the reverse of what was intended.

1558. Death of Mary. The chief or leading circumstance of Mary's reign, at the end of which we are now arrived (she died on the 17th November, 1558), was her unceasing endeavour, from the hour she ascended the throne, to put down every vestige of the Reformation, and to re-establish popery. No effort was spared for the accomplishment of this object. Means the most cruel, and which earned for her the unenviable title of "Bloody Queen Mary," were resorted to, to alarm the timid and to punish the obstinate;[y] and the struggle

[y] "A commission issued in 1557 authorising the persons named in it to inquire, by any means they could devise, into charges of heresy or other re-

ended, as such struggles for the most part have ended, in weakening that which it was sought to uphold, and strengthening that which it was endeavoured to destroy. What might have been the condition of this country if the efforts made in Mary's reign to restore the Roman Catholic religion had been successful, it is impossible to say; but it may be assumed, as in the highest degree probable, that the public spirit, intelligence, and advancement of every kind, social, moral, and religious, which sprang into life, as it were, immediately after the final settlement of the Reformation under Elizabeth, would then not have taken place. The influence of the Church of Rome would have prevented it.[z]

At Mary's accession, it is probable that nearly half the people were more or less favourable to the old religion, or, at least, were not very unwilling to follow their queen in adopting it; so that, before the end of the first year, the kind of popularity which usually attends a new sovereign, and the efforts made and the influences used, may be said to have neutralized all that had been done for the Reformation in the time of Edward, if they had not even brought about a certain preponderance in favour of Romanism; and the subsequent Acts of Mary's reign were necessary for showing the people

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ligious offences, and in some instances to punish the guilty, in others of a graver nature to remit them to their ordinaries, seems (as Burnet has well observed) to have been meant as a preliminary step to bringing in the Inquisition." "One proclamation in the last year of her inauspicious administration, after denouncing the importation of books filled with heresy and treason from beyond sea, proceeds to declare that whoever shall be found to have such books in his possession shall be reputed and taken for a rebel, and executed according to martial law."—Hallam's 'Constitutional History,' vol. i. p. 42, 4th edition.

[z] The effects of this influence are thus described by a modern historian:—"Throughout Christendom, whatever advance has been made in knowledge, in freedom, in wealth, and in the arts of life, has been made in spite of her, and has everywhere been in inverse proportion to her power. Whoever passes in Germany from a Roman Catholic to a Protestant principality, in Switzerland from a Roman Catholic to a Protestant canton, in Ireland from a Roman Catholic to a Protestant county, finds that he has passed from a lower to a higher grade of civilization."—Macaulay's 'History of England,' vol. i. p. 48, 3rd edition.

the real nature of that religion. If Mary had been less of a bigot, less zealous in punishing those whom she regarded as heretics or schismatics, the final and nearly unanimous establishment of our Reformed National Church might not have taken place under her successor. This seems, indeed, to be the view taken by Mr. Hallam, who, in commenting on the Reformation, observes, "But what had the greatest efficacy in disgusting the English with Mary's system of faith was the cruelty by which it was accompanied. A sort of instinctive reasoning told the people what the learned on neither side had been able to discover, that the truth of a religion begins to be very suspicious when it stands in need of prisons and scaffolds to eke out its evidences. Many are said to have become Protestants under Mary who, at her coming to the throne, had retained the contrary persuasion; and the strongest proof of this may be drawn from the acquiescence of the great body of the kingdom in the re-establishment of Protestantism by Elizabeth, when compared with the seditions and discontent on that account under Edward." So that a great positive good was worked out of a great apparent evil, by a series of opposing influences, such as the history of the world shows are often called into action by Divine Providence for its own beneficent purposes; and we, of the present day, are reaping the fruits of what was then so well and so wisely planted.

CHAPTER IV.

Accession of Elizabeth — Collectors — First compulsory assessment — Service and wages — Sturdy beggars — Aged and infirm poor — Overseers — Bastardy law — "Collectors and governors" — Houses of correction — "Censors and wardens" — Working of leather — Gipsies — Sumptuary law — Exportation of corn — Game-laws — Regulation of buildings — Vagrancy in London — Duties of overseers — Rate in aid — Liability of parents and children — Rogues, vagabonds, and sturdy beggars — Immigrant vagrants — Soldiers and mariners — Progress of legislation — Provisions of the 43rd Elizabeth — Effects of the Reformation — General tendency of legislation with respect to the poor — Condition of the people — Prices of provisions — Wages — Social improvement.

ELIZABETH was in her twenty-fifth year when she succeeded to the throne (November 17th, 1558), and she had from an early age given promise of those superior talents by which she was afterwards so greatly distinguished. She had been compelled to conform to the rites of the Romish Church during the late reign, but was known to favour the Reformation; and all who held to that persuasion, and all who dreaded the intolerance of the Church of Rome, hailed her accession with delight. The first Act of her reign was the assertion of the supremacy of the Crown in matters ecclesiastical, and "abolishing all foreign power repugnant to the same." By the second Act, the Book of Common Prayer and Administration of the Sacraments, of the time of Edward the Sixth, was re-established. The third Act formally recognised the Queen's title, and the fourth the restitution of tenths and first-fruits to the Crown. Queen Elizabeth, 1558–1603.

These Acts were sufficiently indicative of a determination to prevent papal interference in England; but the Roman Catholics were still numerous, and after a time began to manifest discontent, and to stir up doubts and apprehensions among the people. Throughout the

whole of her reign, indeed, the queen was disturbed by adverse intrigues in this quarter; and hence it may be said that the legislative and other proceedings against the Romanists, partook more of a political than a religious character. "The position in which the queen was placed rendering her death a most important contingency, the popish party made use of pretended conjurations and prophecies of that event, in order to unsettle the people's minds, and dispose them to anticipate another reaction." [a]

Against such practices, *The 5th Elizabeth, cap.* 15, was directed. It imposed a penalty of one year's imprisonment and a fine of 10*l.* for a first offence, and for a second offence imprisonment for life and the forfeiture of goods. Acts against the introduction "of Bulls and other Instruments from the See of Rome," and against "Jesuits and Seminary Priests and other like persons," and against "Popish Recusants," were subsequently enacted: but these and similar measures originated in political considerations, being directed against the enemies of the then established government, which accounts for, and in some degree excuses, the acts of severity, and even cruelty, occasionally exercised towards the Romanists; who omitted no opportunity, throughout Elizabeth's reign, of exciting troubles both at home and abroad, and by whose machinations the queen's life was thought to be placed in jeopardy.

1562-3. 5 Elizabeth, cap. 15.

The foregoing notice of what took place, with regard to religion, in the present and last two reigns, may probably be deemed sufficient, and will render it unnecessary to advert again to the subject, whilst passing in review the statutes which were subsequently enacted for the relief of the poor, or which affect the

[a] See Hallam's 'Constitutional History,' vol. i. p. 113.

general condition of the people; and these we will now proceed to consider.

In 1562 another Act was passed 'for the Maintenance and Increase of Tillage,' by which it appears that the alarms about the conversion of arable land to pasturage had not subsided. The statutes of Henry the Seventh and Henry the Eighth[b] on this subject, already noticed, are in this Act recited and confirmed. Lands tilled four years successively at any time since the twentieth year of Henry the Eighth, are to be kept in tillage, under a penalty of 10*s.* per acre; but there is a proviso in favour of "such as shall be a common fatter of beefs or muttons to be sold in markets and fairs, or to common butchers." This exception makes it difficult to understand to whom the Act would apply, and almost warrants the supposition that it was inserted for the purpose of rendering the Act nugatory. 1562-3. 5 Elizabeth, cap. 2.

The *2nd and 3rd Philip and Mary, cap.* 5, for the relief of the poor,[c] was continued in the first year of Elizabeth's reign by *cap.* 18; and after an interval of five years the subject again came under consideration, and an Act was passed comprising whatever the information and intelligence of the day could devise on the subject. This Act, *The 5th Elizabeth, cap.* 3, has the same preamble as the last statute of Edward the Sixth, and that of Philip and Mary; and the former statute, together with that of the *22nd Henry 8th, cap.* 12,[d] it expressly confirms. The Act then, nearly in the words of the *2nd and 3rd Philip and Mary*, provides for the appointment of collectors of alms, and for licensing the poor to beg in cases where a parish happens to be overburthened, and also requiring the beggars so licensed to wear badges. It then in like manner provides, that if any person, being 1562-3. 5 Elizabeth, cap. 3.

[b] Ante, pp. 95 and 112. [c] Ante, p. 144.
[d] Ante, p. 115.

able, shall refuse reasonably to give towards the help and relief of the poor, he is to be gently exhorted and persuaded thereto by the clergy and the churchwardens.

It would appear, however, that hitherto the gentle askings of the collectors, and the exhortations of the clergy and the churchwardens, and the charitable "ways and means" of the bishop, had all alike failed to induce the people to contribute "according to their means;" and the time seems to have arrived when, voluntary charity having failed, compulsion of some kind must perforce be resorted to, in order to provide the necessary means of relief for "the impotent, feeble, and lame, which are the poor in very deed." Accordingly this statute (*The 5th Elizabeth, cap.* 3) enacts, that after due exhortation and persuasion, first by the parson and churchwardens of the parish, and next by the bishop, "if any person of his froward or wilful mind shall obstinately refuse to give weekly to the relief of the poor, according to his ability," the bishop shall have authority to bind him under a penalty of 10*l.* to appear at the next sessions, when the justices are again to "charitably and gently persuade and move the said obstinate person to extend his charity towards the relief of the poor;" and if he will not be persuaded therein by the said justices, "they may sesse, tax, and limit upon every such obstinate person so refusing, according to their good discretion, what sum the said obstinate person shall pay;" and if he refuse to pay the sum so limited, taxed, and appointed, the justices, on complaint of the collectors and churchwardens of the parish, may commit the said obstinate person to prison until he pay the same, "together with the arrearages thereof, if any such shall fortune to be."

Obstinate persons refusing to contribute, may be assessed for relief of the poor.

This is the first instance of a compulsory assessment for the relief of the poor, and it is therefore of marked

importance in the history of the Poor Law. It is true that the power to assess and tax can only be exercised after a tedious and circuitous process of exhortation and persuasion; first, by the churchwardens, then by the parson, and afterwards by the bishop; and then, upon their failure of success, and the same being certified to the justices, these last are likewise to try persuasion before they resort to compulsion. Still, after all these preliminaries have been gone through, the justices are empowered to assess and levy, "according to their good discretion," from all those who refuse voluntarily to contribute towards the relief of the poor; and the important principle that property is thenceforward to be held subject to the needful relief of the destitute, is thus formally sanctioned by the legislature.

At the same time with the above Act "for the relief of the poor," another was passed (*The 5th Elizabeth, cap.* 4), entitled 'An Act touching divers orders of Artificers, Labourers, Servants of Husbandry, and Apprentices.' This Act has been considered as in some sort a continuation of the preceding Act (*cap.* 3), although it makes no express reference to the poor as such, but rather aims at preventing destitution and mendicancy by forcing employment upon every one of age and ability to work. It is, in fact, a selection from all the preceding enactments on the subject of labour; those provisions deemed useful being retained, others modified, and the rest repealed. The preamble states, that, although there are a great number of statutes concerning wages, servants, labourers, and apprentices, as well in husbandry as in other occupations, yet, partly owing to the number, imperfection, and contrariety of these laws, and chiefly that the wages limited are in divers instances too small, and not answerable to this time, on account of the great advancement of prices, the laws cannot, without

1562-3. 5 Elizabeth, cap. 4.

great grief and burthen to the poor labourers and servants, be put in execution, although the said laws were at the time of making them thought to be good and beneficial, as divers of them yet are. Wherefore, if the substance of as many as are meet to be continued shall be reduced into one sole law and statute, and an uniform order prescribed concerning the wages and other orders for apprentices, servants, and labourers, there is declared to be "good hope that the same law, being duly executed, should banish idleness, advance husbandry, and yield unto the hired person, both in time of scarcity and in the time of plenty, a convenient portion of wages."

Persons compelled to serve.

The Act then, in accordance with this preamble, ordains that every unmarried person, and every married person under thirty, not having 40 shillings per annum, nor being otherwise employed, shall be compelled to serve as a yearly servant in the trade to which he was brought up; and none are permitted to quit such service, or to be dismissed therefrom, during the year, unless on cause allowed by two justices; and after any such quitting of service none are to leave the town or parish in which they served without a testimonial under the corporate seal, or else signed by a constable or other head officer, and by two other honest householders. Every servant departing without such testimonial, or refusing to produce it, is subjected to imprisonment, and any master who retains him is made liable to a penalty of 5*l*. All persons between the ages of twelve and sixty are, moreover, if not otherwise employed, "compelled to serve in husbandry by the year, with any person that keepeth husbandry, and will require any such person so to serve within the same shire where he shall be so required;" and unmarried women between the ages of twelve and forty may be compelled to serve by the year, week, or day, for such

wages, and in such reasonable sort and manner, as shall be deemed meet, under penalty of commitment.

The hours of work, and the time for meals, are likewise prescribed, and the rates of wages to be paid to the several artificers, servants, and labourers, are required to be ascertained and settled annually by the justices in sessions assembled, who are to "call unto them such discreet and grave persons as they shall think meet, and, after conferring together respecting the plenty or scarcity of the time, and other circumstances necessary to be considered," they are authorized to limit, rate, and appoint the wages "of all servants, labourers, artificers, workmen, or apprentices of husbandry as they shall think meet, by the year or by the day, week, month, or otherwise, with meat and drink, or without meat and drink; and what wages every workman or labourer shall take by the great "for mowing, reaping, or thrashing of corn, and for mowing or making of hay, or for ditching, paling, railing, or hedging, by the rod, perch, lugg, yard, pole, rope, or foot, and for any other kind of reasonable labours or service:" and the said justices are further directed to certify the same, with the considerations thereof, under their hands and seals, "into the queen's most honourable Court of Chancery, before the 12th of July in every year," to be approved by the Privy Council, and then proclaimed by the sheriffs. And in order to ensure the observance of the rates of wages so settled and proclaimed, penalties are imposed on any one who shall directly or indirectly retain or keep any servant, workman, or labourer, or shall give any greater wages or other commodity than what is set forth in the said proclamation. The giver of excessive wages is subjected to ten days' imprisonment and a fine of 5*l.*; the receiver, to twenty-one days' imprisonment; and all such contracts are declared to be void and of none effect.

Justices empowered to fix the rate of wages.

By one of the provisions of this Act every justice of peace, and the constable or other head officer of every township, is, in the time of harvest, upon request and for avoiding the loss of any corn, grain, or hay, empowered to cause all such artificers and persons as be meet to labour "to serve by the day for the mowing, reaping, shearing, getting, or inning of corn, grain, and hay, according to the skill and quality of the person; and none shall refuse so to do, upon pain to suffer imprisonment in the stocks by the space of two days and one night." The Act contains other regulations specially referable to apprentices and journeymen in several trades and occupations, and the proportions of each to be kept; and also exemptions of certain places from the provisions of the Act in these respects, on the ground of their local customs or privileges.

Persons compelled to serve in time of harvest.

If it were possible to effect the distribution and to regulate the price of labour by legislative enactment, as the framers of this statute must have believed, the care and pains which they bestowed upon it ought to, and probably would, have ensured success; but we know that such distribution and such regulation are practically impossible. Both the one and the other are essentially governed by the great principle of supply and demand, which legislation may disturb but cannot establish, and which is only safe, certain, and beneficial when left to its own free unrestricted action. The attempt here made is, however, not without its use, serving as it does to show that the value of labour and of the labouring classes was becoming better understood, and that the importance of the people, and their efforts to free themselves from old usages and restraints, crippling their industry, began to be felt, although the master-class were yet ignorant of the true mode of dealing with the newly-awakened impulse.

Ten years after the passing of the above Act, the long, minute, and highly important statute *The 14th Elizabeth, cap.* 5, was passed. It is entitled 'An Act for the Punishment of Vagabonds,[e] and for Relief of the Poor and Impotent,' and it begins in the usual style, by declaring that "all parts of this realm of England and Wales be presently with rogues, vagabonds, and sturdy beggars exceedingly pestered, by means whereof daily happeneth horrible murders, thefts, and other great outrages, to the high displeasure of Almighty God, and to the great annoyance of the common weal." It then expressly repeals the *22nd Henry the 8th*, the *3rd and 4th Edward the 6th*, and

1572-3. 14 Elizabeth, cap. 5.

[e] In a book published in 1566, entitled 'A Caveat or Warning for Common Cursetors, vulgarly called Vagabonds,' there is a curious and graphic account of the hordes of idle vagrants who then infested the country. The author classes the male vagabonds under fifteen separate designations, beginning with "the Rufflar" as being "the worthiest of this unruly rabblement." "The Upright Man" is the "second in sect of these ranging rabblement of rascals." The third is "the Hooker or Angler," described as a "perilous and most wicked knave." The "Rogue" and the "Wild Rogue" are the fourth and fifth; after which come "the Freshwater Mariners," whose "ships were drowned in the plain of Salisbury;" and so on to the "Counterfeit Crank," of whom it is said, "These that do counterfeit the crank be young knaves and young harlots that deeply dissemble the falling sickness, for 'the crank,' in their language, is the 'falling evil.'" A long account is given of this description of impostors, after whom come the "Dommerar," and lastly the "Jackman and Patricio." The female vagabonds are classed under nine separate designations. But all, both men and women, old and young, are described as thieves by profession, and as living in a most dissolute and licentious manner. They have a slang language of their own, of which the writer gives a curious specimen in a dialogue between two of them; and he further gives a long list of the "most notorious and wickedest walkers that are living now at this present time, with their true names as they be called and known by." Many of the descriptions in this work find parallels in the present day; and indeed it may be regarded as invariably true, that, whatever improvement takes place in the general condition of a people, those in the lowest grade will partake of the improvement in the least degree, if they partake of it at all. The endeavour should therefore be to lessen the number of this lowest class as much as possible, and this it was sought to effect by severity of punishment, as is manifested in the several statutes enacted at that time on the subject. The book is written and set forth by Thomas Harman, Esq., "for the utility and profit of his natural country." Two new editions were published in the following year, and a fourth edition in 1573. The work must therefore have been popular, and the subject one of general interest. There was a reprint of the work in 1814, from which the above is taken. Harrison, in his 'Description of Britain,' published in 1586, quotes and comments on Harman's book, and gives extracts from it.

the *5th of the present* reign;[f] in fact, it repeals all preceding enactments on the subject, and aims at framing a complete and comprehensive law, as well "for the utter suppressing of the said outrageous enemies to the common weal, as for the charitable relieving of the aged and impotent poor people." 1572. 14 Elizabeth, cap. 5.

The licence, if not direct encouragement, given to beggars by the *2nd and 3rd Philip and Mary*,[g] and continued by the *1st Elizabeth*,[g] had probably by this time produced its natural fruit, and led to a great increase of the class of persons who are not only denounced in the preamble of the present statute as being enemies of the common weal, but against whom the first enacting clause is specially aimed. It directs that every person above the age of fourteen taken begging, shall be committed to gaol until the next session, at which, "if duly convicted of his or her roguish or vagabond trade of life, he or she shall be adjudged to be grievously whipped, and burnt through the gristle of the right ear with a hot iron of the compass of an inch about," and this punishment is forthwith to be executed, "except some honest person will of his charity take such offender into his service for one whole year next following;" and if the offender so taken into service shall leave the same before the end of the year, he is to suffer the punishment of whipping and burning through the ear, as at first adjudged. For a second offence, he is to be "taken, adjudged, and deemed in all respects as a felon," and to suffer as such, unless some honest person will take him into his service for two whole years; and if he depart and leave his service before the expiration of the two years, he is then forthwith to suffer and forfeit as a felon. For a third offence, he is adjudged to "suffer death, Beggars severely punished.

[f] Ante, pp. 115, 134, 157.

[g] Ante, pp. 144 and 155.

and loss of land and goods, as a felon, without allowance of benefit of clergy or sanctuary."

These enactments savour of the spirit which prevailed a quarter of a century previous, when the 1*st Edward the* 6*th* was passed,[h] and the revival of such extreme severity can only be accounted for by supposing that there had since been an alarming increase of the evils against which legislation was at that time directed. The designation of "rogues, vagabonds, and sturdy beggars," who are subjected to the above penalties, is by this Act defined to include idle persons going about and using subtle craft and unlawful games, and all persons whole and mighty in body, but having neither land nor master, nor able to give an account of how they get their living, and all common labourers using loitering and refusing to work for the wages commonly given. Any person harbouring, or giving money, lodging, or other relief to any such rogue, vagabond, or sturdy beggar, "either marked or not marked," is declared liable to a penalty of twenty shillings; and if any person "do disturb or let the execution of this Act," he is to forfeit five pounds, and be subject to imprisonment at the queen's pleasure.

"Sturdy beggars" defined. To harbour or relieve them subjects to a penalty of 20*s*.

After thus enacting punishments of no ordinary severity for the vagrant class, and prohibiting, under a penalty of twenty shillings, the giving them money or other relief, the Act declares that poor aged and impotent persons should be provided for, as well as rogues, vagabonds, and sturdy beggars repressed, and that aged impotent poor people should have convenient abiding places to settle themselves upon, so that none of them should hereafter beg or wander about: to which end it is directed that justices of the peace, within their respective

The aged and infirm poor to be provided for and have abiding-places assigned them.

[h] Ante, p. 131.

divisions, are to make "diligent search and inquiry of all aged, poor, impotent, and decayed persons, born within their said divisions, or which were there dwelling and living by alms within three years preceding, and make a register-book, containing their names; and when the number of such poor people shall thus be truly known, the justices are to appoint, within every their said several divisions, meet and convenient places to settle the same poor people for their habitations and abidings, if the parish within which they shall be found does not provide for them." And the justices are also required to ascertain what the weekly charge for the relief and sustentation of the said poor people will amount to, and by their good discretion to tax and assess the inhabitants dwelling within the said divisions to such weekly charge as every of them shall contribute, and to appoint persons to collect and gather the same, and make delivery thereof to the said poor people as the justices shall appoint; and they are likewise required to appoint *overseers of the poor*, to continue in office for one whole year; and if a person so appointed shall refuse to act, he is to forfeit ten shillings.

Overseers of the poor appointed.

The Act likewise provides, "that if any person, being able to further this charitable work, shall obstinately refuse to give towards the help and relief of the said poor people, or shall wilfully discourage others from so doing," he shall be brought before two justices to show the cause of such refusal, and abide such order therein as the said justices shall appoint; and if he refuse so to do, then he is to be committed to gaol until he be content to obey such order. Provision is also made for persons aggrieved by taxation under this Act, who may appeal to the next general sessions of the peace. And further, in order to guard against the, at that day, not improbable danger of any parish or town being unable to afford needful relief "to the poor, lame, and impotent persons, with money to be collected

in manner aforesaid, and it were overgreat a burthen to the collectors to gather meat, drink, corn, and other things," the Act provides that, where collection of money cannot presently be had, justices in sessions may license some of the poor to ask and gather alms within any other town, parish, or parishes of the county; "and the inhabitants of every such town, parish, or parishes, to which such poor or impotent persons shall be so appointed, shall be coacted and bound to relieve the said poor in such sort as the said justices shall appoint."

But the legislature of that day, in their anxiety to provide needful relief for the infirm and impotent poor, did not overlook the necessity for its due limitation; and the Act accordingly directs that any of the said poor persons, who are not so diseased or impotent but that they may do some manner of work, "shall be, by the overseers of their said abiding-place, appointed to work;" and if they refuse, "then they are to be whipped and stocked for their first refusal, and for the second refusal to be punished as in case of vagabonds in the first degree." With like prudent severity, the Act provides, "that if any of the said poor people refuse to be bestowed in the abiding-places appointed of the said justices, but covet still to hold on their trade of begging, or after they be once bestowed in the said abiding-place do depart and beg," then the person so offending is, for the first offence, to be counted a rogue or vagabond in the first degree; and if he a second time offend, he is then "to suffer as a rogue and vagabond in the last degree of punishment set forth by this Act in all points:" that is, he shall suffer as a felon.

Infirm poor refusing to work, or quitting the abiding-places assigned them, subjected to punishment.

If any surplus money should remain after the said poor and impotent people are provided for, the Act directs that the justices shall, in such convenient place within their shires as they shall think meet, "place and settle to work the rogues and vagabonds that shall

be disposed (i. e. *able*) to work, there to be holden to work by the oversight of the said overseers, to get their livings, and to live and be sustained only upon their labour and travail."

There is one curious clause in this Act, which may be noticed as indicating the spirit and manners of the time. After reciting that the city of Bath and the town of Buxton are intolerably overcharged by the number of poor and diseased people who resort thither for some ease and relief of their diseases, it is enacted that no diseased or impotent poor person living on alms shall resort to the city of Bath or town of Buxton, "to the baths there for the ease of their grief," unless he be licensed so to do by two justices of the county where he then dwells, and be also furnished by the inhabitants of the parish or place whence he shall be so licensed, with means of maintenance during his abode there and turning home again, upon pain of being punished as a vagabond.

The whole of this Act is framed with great care, and comprises all the chief points of Poor Law legislation suited to the period; and these several points are set forth and provided for with a clearness and minuteness of detail, which leaves no room for doubt as to the intentions of the legislature in any case. The enactments against the vagabond and mendicant class must be regarded in the light of a vagrant law, and their extreme severity, although it does not accord with the sentiments of the present day, was perhaps not more than was then necessary. The imposition of a fine of 20*s.* upon persons who should harbour or give money or other relief to any rogue, vagabond, or sturdy beggar, "whole and mighty in body and able to labour," is little more than a re-enactment of the provisions in the *22nd and 27th Henry 8th, caps.* 12 *and* 25;[1]

[1] Ante, pp. 115 and 121.

and although it was probably of little avail, either at that time or in the present instance, the enacting such a penalty shows the importance attached to putting down the trade of begging, and which moreover the legislature was now better entitled to do, since some organized means of relief had been provided for those whose infirmities required it.

By the *5th Elizabeth, cap.* 3,[k] the justices were empowered to assess and tax at their discretion such persons as refused, after due admonition and persuasion, to contribute, according to their ability, towards the relief of the poor. The present Act requires the justices, within their several divisions, to ascertain the number and the wants of the poor, and to make an estimate of what the weekly charge towards the relief and sustentation of the said poor people will amount to; and then it empowers them to tax the whole of the inhabitants of the division for the relief of such poor people, and likewise to appoint collectors and overseers to gather the money so assessed, and to superintend its application. In case the inhabitants of any division or parish shall be so poor as not to be able to pay the sum assessed upon them, the justices are, in such case, further empowered to tax other divisions or parishes in aid. And if there should be a surplus remaining after the impotent poor people are duly provided for, it is to be applied to setting the idle and able-bodied poor to work. These are all important provisions, and they show that Poor Law legislation was rapidly advancing to the point when the relief of destitution would be recognised as a public duty, and be legally established as a public charge.

It is true that much of this was done by the preceding Act (*5th Elizabeth, cap.* 3),[k] but it was done circuitously and inferentially, rather than positively; and this was

[k] Ante, p. 155.

probably one cause of its being found defective in practice. The present Act proceeds direct to its object, by requiring the justices to tax every householder for the relief of the poor, and it further provides the requisite machinery for the collection and the application of the money so assessed. This, with the power of imposing a rate in aid whenever necessary, and the authority given by the Act to apply a portion of the money levied as a poor-rate to setting the able-bodied poor to work, might seem to leave little room for future legislation. It was in fact an immense advance upon all previous enactments, and must have been so considered at the time; but there was, nevertheless, a crudeness about it indicative of its novelty. The principle was enunciated with sufficient clearness, the outlines were boldly sketched, but the filling in was defective. The scheme was to be carried into operation, not by the people of the several localities who were chiefly interested, but by the justices; for in a matter so new and untried, a large discretionary power was necessary, and in what other hands could this power be at that time vested? This reliance upon the justices for the working of the measure, which perhaps in the first instance was unavoidable, seems to have been the cause that a county, or hundred, or divisional mode of rating and management was adopted, instead of its being made parochial, as had previously been the case. This Act continued in force for a quarter of a century. Some amendments, and very considerable additions, were however made to it four years afterwards, by the 18*th Elizabeth*, which must indeed be regarded as a kind of supplement or continuation, and which now requires our attention.

The 18*th Elizabeth*, *cap.* 3, was enacted, 'For some better Explanation, and for some needful Addition to the Statute concerning the Punishment of Vagabonds and Relief of the Poor, made in the 14*th year* of the Queen's Majesty's Reign.' And "First,

1575-6. 18 Elizabeth, cap. 3.

concerning bastards, begotten and born out of lawful matrimony (an offence against God's law and man's law), the said bastards being now left to be kept at the charge of the parish where they were born, to the great burthen and defrauding of the relief of the impotent aged true poor of the same parish, and to the evil example and encouragement of lewd life." Justices are therefore now directed to take order for the punishment of the mother and reputed father of every such bastard child, as well as for the better relief of every such parish, in part or in all; and also for the keeping of every such bastard child, by charging the mother or reputed father with the payment of money weekly, or other needful sustentation, in such wise as they shall think meet. And if the mother and reputed father fail in obeying the order made upon them by the justices, the party so defaulting is to be committed to gaol, there to remain, unless security be given for performance of the said order, or for their appearing at the next general sessions of the peace.

Mother and reputed father liable for the child's maintenance.

This important provision was the commencement, and must still be regarded as constituting the basis, of our bastardy law, although considerable changes have since from time to time been introduced, with the view of modifying or more clearly establishing the liability of one or both the parents. The necessity for such a law, which must be presumed to have arisen, would seem to imply that the moral condition of the people had deteriorated, or at least that it had not improved proportionably with the increase of wealth and population. A different result might have been expected, from the diffusion of intelligence, and the more pure and spiritual character of the religious instruction opened out to every class by the Reformation. But this is not the only instance in which the actual results in social economy fall short of, or are at variance with, our not unreasonable expectations; and in this as in other instances, we

must be content to take the good with a certain admixture of evil.

The next important provision of the Act commences with this recital—"To the intent youth may be accustomed and brought up in labour and work, and then not grow to be idle rogues; and to the intent also that such as be already grown up in idleness, and so are rogues at present, may not have any just excuse in saying that they cannot get any service or work, and be then, without favour or toleration, worthy to be executed; and that other poor and needy persons, being willing to work, may be set on work." It is then enacted, that in every city and town corporate, and likewise in every market-town or other place which the justices of peace may in general sessions appoint and order, a competent stock of wool, hemp, flax, iron, or other stuff, shall be provided by taxation of all the inhabitants within the several limits. The said stock is to be committed to the custody of such persons as the mayor, bailiff, or other head officers of the cities and corporate towns may appoint, and in other places to such persons as shall be appointed by the justices. The persons so appointed are to be called "the collectors and governors of the poor," and they are empowered, "with the advice of them who do appoint them," to order and direct the division and manner of working of the said stock, so as that every poor and needy person, old or young, able to work, and standing in necessity of relief, "shall not for want of work go abroad begging, or committing pilferings, or living in idleness."

A stock of wool, hemp, iron, &c., to be provided to set the poor on work.

The "collectors and governors" thus ordered to be appointed, are from time to time to deliver out wool and other materials to be wrought by the poor, who, when the same is delivered back, are to be paid "according to the desert of the work;" and the articles are to be sold, and the money applied to

'Collectors and governors of the poor."

purchasing "more stuff in such wise that the stock shall not be decayed in value." And if any poor person, being able, shall refuse to work, or shall go abroad begging, or live idly, or having taken such work shall spoil or embezzle the same, in such wise that the minister, churchwardens, and collectors and governors of the poor, shall think him not meet to have any more work out of the same stock, then he is to be taken, "in convenient apparel meet for such a body to wear," to one of "the houses of correction hereafter to be provided, there to be straightly kept as well in diet as in work, and also punished from time to time, as the persons having the oversight and government of the said house of correction shall appoint."

With respect to "the houses of correction," it is directed that in every county one, two, or more abiding houses or places convenient, by appointment and order of the justices in general sessions, shall be provided, and be called the house or houses of correction; and also stock and store, and the implements for setting to work and punishing, "not only those which by the collectors and governors of the poor for causes aforesaid shall be brought, but also such as be inhabiting in the parish, or taken as rogues, or once punished as rogues, and by reason of the uncertainty of their birth or of their dwelling for three years, or for any other cause, ought to be kept within the same county." And the said houses of correction, with stock, stores, and implements, are to be provided in every county by a tax levied and gathered from the inhabitants, by order of the justices within their several authorities. Two years are allowed for carrying the Act into effect, failing in which the money levied is to be returned; and any person refusing or neglecting to pay the tax so ordered, is to forfeit double the amount. The justices in general sessions are, moreover, empowered to appoint persons to be "censors"

"Houses of correction" to be provided.

"Censors" and "wardens" appointed.

and "wardens" of every such house of correction, who are to have the rule and government thereof, according to such orders as the justices shall prescribe; and they are also to appoint collectors for the gathering of such money as shall be taxed upon persons towards the maintenance of the said houses of correction; and if any one so appointed shall refuse to fill the office of collector, governor of the poor, censor, or warden, he is to forfeit five pounds; and they are to make "a just and true account," whenever called upon, under penalty of committal, without bail or mainprise.

The former Act (*14th Elizabeth*) having omitted to provide for the punishment of such poor and impotent persons as, being relieved within their parish, nevertheless "wander abroad loitering and begging," the present Act directs that every such person shall, for the first offence, be whipped, and so returned home again to his or her parish; and if such person shall a second time offend, he is to suffer as a rogue in the first degree; and if he again offend, he is then to suffer in all respects as a rogue and vagabond.

The provisions established by the two Acts, the *14th and 18th Elizabeth*, are all highly important, not only on account of the vigorous way in which it is attempted to grapple with the evils of bastardy and vagrancy, but likewise as manifesting more comprehensive views with respect to the relief of the poor, and the mode of administering such relief, than we have seen in the earlier statutes. That much was expected from these Acts, and from the intended "houses of correction," appears certain from the wording of the 9th clause of the latter Act, in which hopes are expressed "that many well-disposed persons, understanding the good success which will grow by setting people on work and avoiding idleness, will from time to time give to the sustentation and maintenance of the same good purpose and intent, and for their

better encouragement to the same;" and it then goes on to empower persons holding lands, tenements, or hereditaments in free soccage, or in their own right, to give and bequeath the same for providing and maintaining any of the said houses of correction, "without any licence of mortmain, or writ of *ad quod damnum* to be sued out of the same, any custom or usage to the contrary in any wise notwithstanding." It is clear, therefore, that the aid and co-operation of the public, founded on a persuasion that these "houses of correction" would prove effective, was reckoned upon by the framers of the Act, who would seem to have been confident of success, despite of previous failures in legislating on the subject; and in this confidence it was provided that the two Acts should conjointly continue in force for seven years.

These statutes (the *14th and 18th Elizabeth, caps.* 5 *and* 3) with their ruthless enactments against vagabondage and mendicancy, and their more judicious and humane provisions for the relief of the infirm and destitute poor, continued, with certain modifications established by the *35th Elizabeth, cap.* 7, to be the law of the land for more than twenty years, until they were altogether superseded in 1597, by the *39th Elizabeth, caps.* 3 *and* 4.[1] Although then repealed, however, and their importance in a legal sense lost, these earlier statutes of Elizabeth's reign possess great historical interest, embodying as they do the opinions prevalent at the time, and exhibiting one of the marked gradations through which Poor Law legislation passed; on which account they have here been quoted and commented on at greater length than might otherwise have been necessary or expedient.

Advantage may be taken of the present interval to notice some other Acts, having reference to, or in some way bearing upon, the condition of the people, which,

[1] See post.

as already observed, ought always to be kept in view in connexion with Poor Law legislation.

1562-3. 5 Elizabeth, cap. 5. *The 5th Elizabeth, cap.* 5, is entitled 'An Act touching certain politic Constitutions made for the Maintenance of the Navy.' It directs that, "for increase of provision of fish by the more usual and common eating thereof, and for the benefit of this realm, as well in maintenance of the navy, as in sparing and increase of flesh victual," every Wednesday throughout the year is to be observed and kept as a fish-day, "as Saturdays be or ought to be;" and all persons are prohibited from eating flesh on Wednesdays, or on days usually observed as fish-days, under penalty of forfeiting 3*l.* for every time they so offend, "or else suffer three months' close imprisonment without bail or mainprise." It may be doubted whether this measure originated altogether in "politic considerations for the maintenance of the navy." To increase the consumption of fish would operate as an encouragement to the fisheries, and might possibly lead to some additional supply of seamen for the navy; but the above provisions have rather the appearance of looking back to the usages of the old religion, which still held a certain influence over people's minds.

1562-3. 5 Elizabeth, cap. 6. In the same year, immediately following the above Act, another was passed (*cap.* 6), apparently with the view of preventing persons from impoverishing themselves by the use of foreign finery in their clothing. It ordains that, "if any manner of foreign stuff or wares, not grown or first wrought in any of the queen's dominions, appertaining to the appareling, clothing, decking, garnishing, or adorning the body," shall be sold to any person "not having in possession lands or fees to the clear yearly value of 3,000*l.*," without being paid for in ready money, the seller thereof shall be without remedy for recovering the same. So that whoever might thereafter wish to

purchase any foreign finery, if not worth 3,000*l.* a year, would be compelled to go a shopping with money in hand—no great hardship perhaps, if not even a wholesome restriction; but it seems to imply that credit had been unduly stretched and misused by the fashionables of that day, although probably to nothing like the extent that it has been subsequently, and even is at present. What statesman, however, would now think of proposing such an Act as this for its limitation?

In the same year likewise, an elaborate Act of forty-four clauses was passed regulating the making and use of leather, a matter that had repeatedly occupied the attention of the legislature in preceding reigns, and therefore, it must be presumed, was considered of much general importance. This Act, *The 5th Elizabeth, cap.* 8, is curious for the extreme minuteness of its provisions. It begins by referring to the "many good statutes theretofore made for the tanning, currying, and working of leather, as a thing very necessary for the queen's subjects; for that every sort of people must of necessity use and have leather for divers and sundry purposes, notwithstanding which, leather was never worse tanned, curried, or wrought than now a days it is; by reason whereof divers persons are not only put to great loss and other inconveniences, but also do take divers and sundry diseases, to the shortening of their lives, as by complaints exhibited to parliament manifestly appeareth." It is then ordained, that butchers shall not gash hides, and that tanners shall not sell them if gashed. Calves are not to be killed under five weeks old; and no butcher is "to occupy the feat, craft, or mystery of a tanner," and no tanner is to be a butcher, or a shoemaker, or a currier. Minute regulations are laid down for liming and tanning hides, for felling and barking oaks, for the currying of leather, for making shoes, for sealing and selling leather, and for preventing its being exported—all evincing a

1562–3. 5 Elizabeth, cap. 8.

praiseworthy care for the health and convenience of "the queen's majesty's subjects," but all, at the same time, it must be admitted, of very questionable policy.

It appears that the severe enactments against the *gipsies*, or Egyptians,[m] had not cleared the country of these people. On the contrary, their numbers had been increased, by many native vagabonds associating with them and adopting their habits and manner of life; and a new statute (*The 5th Elizabeth, cap.* 20) was therefore passed, with the view of correcting this evil. It enacts that "every person which shall be seen or found in any company or fellowship of vagabonds commonly called Egyptians, or counterfeiting, transforming, or disguising themselves by their apparel, speech, or other behaviour, like unto such vagabonds, and shall continue and remain in the same by the space of one month, every such person shall be deemed and judged a felon, and suffer the pains of death." It is a fact seemingly well deserving the attention of legislators, that punishment, when pushed to extreme severity, almost invariably fails of its object. It may even be said to produce an opposite result, by enlisting the sympathies of the people in favour of the culprit, who is regarded as a kind of hero, or a desperate gambler who has thrown for a high stake, and perilled his life on the cast. Thus, in the case of these gipsies, the severe laws enacted against them did not drive them away, nor deter them from pursuing their usual avocations, but, on the contrary, other persons it appears joined them. There was probably a charm for the idle and the dissolute in the gipsy way of life. It may also, on account of its wandering desultory nature, and the kind of chancemedley and uncertainty attending it, have had attractions for others as well. But whatever the attractions or inducements, it is clear the utmost

1562-3. 5 Elizabeth, cap. 20.

[m] See 22nd Henry VIII. c. 10; and 1st and 2nd Philip and Mary, c. 4—ante, pp. 114 and 146.

severity of the law did not deter the gipsies from wandering, pilfering, and fortune-telling, neither did it deter others from consorting with them in these pursuits; and the cruel and revolting enactments which have just been cited were left to disfigure our statute-books, accompanied by the mortifying reflection that, if they were operative at all, it was probably in a way the reverse of what was intended.

In the year 1566, and again in 1571, Acts were passed for "The true making of hats and caps." The first Act recites that "the Queen's Majesty's true subjects, using the art of making woollen caps, are impoverished and decayed by the excessive use of hats and felts." All persons under the degree of a knight are therefore prohibited from wearing a hat or cap of velvet, under a penalty of 10*s*. The second Act, after a particular enumeration of the many persons occupied "in the trade and science of capping," of whom, in London alone, there were said to be no less than eight thousand, goes on to enact that every person above the age of six years, except ladies, lords, and knights, and gentlemen in the possession of twenty marks by the year in land, shall upon Sundays and holydays wear upon their heads one cap of wool (which is declared to be very decent and comely for all states and degrees), made within this realm of England, and dressed and finished by some of the trade or science of cappers, upon pain of forfeiting the sum of 3*s*. 4*d*. This enactment may have been very acceptable to the "cappers," but it must surely have been felt as a hardship by other people. It goes one step beyond protection, for it enforces the use of the home-made article. Exclusive legislation could be carried no further.

1566. 8 Elizabeth, cap. 11.

1571. 13 Elizabeth, cap. 19.

An Act of considerable importance (*The 13th Elizabeth, cap.* 11) was passed in 1571, "For the better increase of Tillage, and for maintenance

1571. 13 Elizabeth, cap. 11.

and increase of the Navy and Mariners of this realm." It enacts that all her Majesty's subjects may lawfully export corn to friendly countries, from ports where there is a collector or other officer, and in vessels of which English-born subjects shall be the owners, whenever the prices are so moderate that no prohibition shall be made to the contrary. An export-duty of a shilling a quarter is to be levied on wheat, and eight pence a quarter on all other grain. But the queen is empowered at all times to prohibit exportation from all or any of the ports or places within the realm; and the Lord President and Council in the North, and the Lord President and Council in Wales, and the justices of assize at their sessions, are given a like power over the ports within their several jurisdictions. This was, perhaps, no more than acting with due caution in the then state of the country, with its imperfect means of transit and communication, and when in one district there might be a deficiency, and in another an excess. The Act appears, on the whole, to have been framed on large and liberal views, creditable to the legislators of that day, and, if carried out in a like spirit, it would no doubt promote the accomplishment of both its professed objects.

1580-1. 23 Elizabeth, cap. 10.

The 23*rd Elizabeth, cap.* 10, declares that "the game of pheasants and partridges is, within these few years, in manner utterly decayed and destroyed by means of such as take them with nets, snares, and other devices, as well by day as by night; and also by such as do use hawking in the beginning of harvest, before the young pheasants and partridges be of any bigness, to the great spoil and hurt of corn and grass then standing and growing;" and the Act then prohibits the taking of pheasants or partridges in the night, under penalty of 20*s.* for the former, and 10*s.* for the latter, or one month's imprisonment; and it also imposes a penalty of 40*s.* on persons hawking

or hunting in the standing corn. A similar Act for the preservation of game, and imposing a penalty of 6*s.* 8*d.* on all persons tracing hares in the snow, had been passed in 1523 (the 14th Henry 8th, cap. 10), the notice of which was omitted in its order of time. It recites that "the king and noblemen of England have used and exercised the game of hunting the hare for their disport and pleasure, which game is now almost utterly destroyed by reason that divers persons, tracing hares in snow, have killed and destroyed the same hares by ten and twelve and sixteen upon one day;" and such tracing is prohibited in future, under the above penalty. These Acts make no reference to the property qualification established by the 13*th Richard 2nd, cap.* 13,[n] but simply prohibit the killing of game at certain seasons and in a certain manner; the penalties they impose are in neither case excessive, and contrast favourably with what prevailed at a former period, when the life of a man was set against that of a deer.[o] The slaughtering of "ten, twelve, or sixteen hares in a day," complained of by Henry the Eighth and his nobles, appears small sport compared with the enormous slaughter which sometimes takes place in the battues of the present day.

Hitherto the decay of buildings has generally been a subject of complaint, but *The* 31*st Elizabeth, cap.* 7, is entitled 'An Act against erecting and maintaining of Cottages.' It declares that "great inconveniences are found by experience to grow by the erecting and building of great numbers and multitudes of cottages, which are daily more and more increased in many parts of this realm." And it directs that no person shall build or erect any manner of cottage for habitation or dwelling, "nor convert any building or housing, made or hereafter to be made,

1588-9. 31 Elizabeth, cap. 7.

[n] See ante, p. 60.
[o] Hume's 'History of England,' vol. i. p. 346.

to be used as a cottage for habitation or dwelling," unless four acres of land at the least be attached to the same, under a penalty of forfeiting 10*l.*, and paying a further forfeit of 40*s.* for every month any such cottage shall be upheld. Cottages in cities and towns, and those erected for workmen in mines and quarries, are specially excepted, as are also cottages on the sea-coast, used by sailors or persons who attend on shipping. The Act concludes by prohibiting more than one family or household inhabiting any one cottage, under a penalty on the owner and occupier of 10*s.* for every month it shall be so occupied—a most wholesome provision, showing a praiseworthy care for the health, comfort, and morality of the people, and so essentially conducive to these ends as to warrant such an interference with the rights of property for enforcing it.

The above Act applies to cottages in rural districts; and not long afterwards *The 35th Elizabeth, cap.* 6, was passed for regulating buildings in towns. It declares that "great mischiefs and inconveniences daily grow and increase by reason of the pestering of houses with divers families, harbouring of inmates, and converting of great houses into several tenements or dwellings, and erecting of new buildings within the cities of London and Westminster, and places near adjoining, whereby great infection of sickness and dearth of victuals and fuel hath grown and ensued, and many idle, vagrant, and wicked persons have harboured there." And it is then ordered that no new buildings shall be erected in London or Westminster, or within three miles thereof, unless they be fit for the habitation of persons assessed at 5*l.* in goods, or 3*l.* in lands, upon pain of forfeiting 5*l.* quarterly for every such building; and houses are prohibited from being converted into several dwellings, under a penalty of 5*l.* per month on the landlord, and a like penalty on the occupier or other person permitting the house to be so divided.

1592-3. 35 Elizabeth, cap. 6.

This Act, like the one preceding, was, no doubt, intended for the promotion of health, comfort, and morality, by preventing the erection or the use of insufficient habitations, and the overcrowding and filthy and immoral habits thence arising, which were the chief causes of those fearful outbreaks of pestilence by which England had been so frequently visited. These Acts, taken together, afford evidence of the increase both of the rural and town population, as well as of the general increase of wealth. But, it may be asked, if the building of cottages in rural districts, and the erection of small houses in towns, are prohibited, where are the increasing numbers of the working people to live? The condition now required of attaching land to every new cottage, is a sufficient answer as regards the country; and with respect to the towns, we may presume the Act would only be operative in preventing that overcrowding in existing habitations by "idle, vagrant, and wicked persons," which is so strongly complained of, and not in preventing the erection of suitable residences for the working people, whose presence was required for doing the town's work.

It appears, however, despite of this last Act, that the metropolis continued to be much troubled by the number of idle and disorderly persons who resorted thither, and lived by pilfering and begging. Stow, in his 'Survey of London,' states[p] that in 1569 an order was made to apprehend all beggars and idle people, whether men, women, or children, or other masterless vagrants. The vagabonds and sturdy beggars were to be taken to Bridewell; the aged, impotent, sick, sore, lame, or blind to St. Bartholomew's or St. Thomas's Hospitals; and the children under sixteen to Christ's Hospital. For this purpose, the beadles were directed to attend at each of the City

Great number of idle and disorderly persons in London.

[p] See Stow's 'Survey of London,' book v. cap. 30.

gates morning and evening, and at Billinsgate and Lyon's Keye at tide-times. But the City continued nevertheless to swarm with beggars, "valiant and sturdy rogues, masterless men, vagrants, and maimed soldiers," for dealing with whom, and preventing the mischief and great annoyance they occasioned, City marshals were appointed to take some good course for clearing the streets of these wandering people, and sending them to their several places of punishment.

It would seem that these measures were not without effect, as, "by the care of Fleetwood the recorder, and the other magistrates, in 1575, there were few or no rogues and thieves in gaol, for Lord Keeper Bacon, sitting in the Star Chamber, and calling for the book of misbehaviours of masterless rogues, fencers, and such-like, there was none to present for London."[q] The queen, and most of the nobility and gentry, were, however, then absent from London on account of the pestilence, which may account for the absence of beggars and masterless rogues at this time; for they appear to have returned with the court in renovated force as soon as the plague abated, as in 1580 we find "a great parcel of rogues encompassing the queen's coach near Islington one evening, when she was riding abroad to take the air, which seemed to put her into some disturbance."[r] Thirteen years afterwards, in 1593, London and the country generally were so grievously pestered with beggars, that the queen put forth a proclamation[s] against idle persons and vagabonds wandering in the common highways, and the multitudes of able men, neither impotent nor lame, exacting money upon pretence of service in the wars, to the annoyance of the common people both in their goods and lives; for reformation whereof justices and officers are commanded to have a better regard thereto, and to appoint

[q] See Stow's 'Survey of London,' book v. cap. 30.
[r] Ibid. [s] Ibid.

watches and privy searches in places needful, and to attach and imprison all such idle vagabonds, and to send the lame and maimed into their countries according to the statute.

After this notice of a few of the statutes of Elizabeth's reign, more or less affecting the general interests of the people, or helping to throw light upon their habits and condition, we will turn to an examination of the Acts having immediate reference to the poor as a class. The chief of these, both in order of time and of importance, are the two Acts, the 39*th Elizabeth, caps.* 3 *and* 4, already referred to.[1]

The 39*th Elizabeth, cap.* 3, provides in the first place for the appointment of overseers of the poor in every parish. The churchwardens are declared to be overseers *ex officio*, and the justices are yearly in Easter week to appoint "four other substantial householders" to the like office. These overseers are to take order from time to time, with the consent of two or more justices, "for setting to work the children of all such whose parents shall not be thought able to keep and maintain them, and also all such persons, married or unmarried, as, having no means to maintain them, use no ordinary or daily trade of life to get their living by." The overseers are further empowered, with the consent of the said justices, "to raise weekly or otherwise by taxation of every inhabitant, and every occupier of lands in the said parish, in such competent sum and sums of money as they shall think fit, a convenient stock of flax, hemp, wool, thread, iron, and other necessary ware and stuff to set the poor on work; and also competent sums of money for and towards the necessary relief of the lame, impotent, old, blind, and such other among them being poor and not able to work; and also for the putting out of such children to

1597–8. 39 Elizabeth, cap. 3.

Overseers of the poor appointed in every parish.

[1] Ante, p. 173.

be apprentices, to be gathered out of the same parish, according to the ability of the said parish; and to do and execute all other things, as well for the disposing of the said stock as otherwise concerning the premises, as to them shall seem convenient."

The said overseers are directed to meet together at least once every month in the parish church, upon the Sunday in the afternoon, after divine service, "to consider of some good course to be taken, and of some meet orders to be set down, in the premises." And within four days after the end of their year of office, they are to yield up to such two justices of peace "a true and perfect account of all sums of money by them received, or rated and cessed and not received," and also of such stock as shall be in their hands, and of all other things concerning their said office, "upon pain to forfeit for every default twenty shillings." And the overseers are empowered to levy by distress and sale, under a warrant from two justices, the sums of money of every one that shall refuse to contribute according as they shall be assessed, as well as the sums of money or stock which shall be behind upon any account to be made as aforesaid, rendering to the party the overplus; and in defect of such distress, the justices may commit the offender to prison until payment be made.

The overseers are to account.

The justices are likewise empowered, as in the 14*th Elizabeth*,[u] to "rate and assess any other of other parishes" in aid, if they perceive that the inhabitants of any parish are not able to levy among themselves sufficient for the purpose. And with the consent of two justices, the churchwardens and overseers may bind poor children to be apprentices, till the age of twenty-four if a man-child, and twenty-one if a woman-child. The Act also follows the precedent of the 14*th Elizabeth*, in providing that, if any persons

Rate in aid.

[u] Ante, p. 162.

shall find themselves aggrieved with any sess or tax, or other act done by justices, churchwardens, or overseers, they may appeal to the quarter sessions.

This Act moreover establishes the highly important principle of the mutual liability of parents and children, by enacting "that the parents or children of every poor, old, blind, lame, and impotent person, or other poor person not able to work, being of sufficient ability, shall at their own charge relieve and maintain every such poor person, in that manner and according to that rate as by the justices in quarter sessions shall be assessed, upon pain to forfeit twenty shillings for every month which they shall fail therein."

Mutual liability of parents and children.

In all these enactments the legislature appears to have been governed by kindly and benevolent feelings towards the really poor; but there is one provision of an opposite character—The 10*th section* enacts, that "no person or persons whatsoever shall go wandering abroad and beg in any place whatsoever, by licence or without, upon pain to be esteemed, taken, and punished as a rogue." This is certainly severe, and at variance with the spirit of the other provisions of the Act; but in order to modify its application, a proviso is added, excepting from such penalty "any poor people which shall ask relief of victuals only, in the same parish where they do dwell, so the same be in such time only, and according to such order and direction, as shall be made and appointed by the churchwardens and overseers of the poor of the same parish, according to the true intent and meaning of this Act." It may be presumed, therefore, that the penalty imposed by this clause, was only enforced in the case of notorious and profligate offenders.

The present Act approximates very closely to that passed four years afterwards (*The* 43*rd of Elizabeth, cap.* 2), which still continues in force, and is the founda-

tion and groundwork of our English Poor Law. The difference between the two Acts chiefly consists in the more complete elaboration, in the latter, of the several provisions with respect to the levying and application of the rates, which the brief period that intervened had probably shown to be necessary for removing doubts, correcting errors, and securing the orderly and effective working of the law.

The Act we have just been considering (*The 39th Elizabeth, cap.* 3) is entitled 'An Act for the Relief of the Poor.' Its fellow Act, *The 39th Elizabeth, cap.* 4, is entitled 'An Act for the Punishment of Rogues, Vagabonds, and Sturdy Beggars.' The objects as well as the spirit of the two Acts are so dissimilar, that they would hardly seem to belong to the same system; but although thus apparently differing, there can be no doubt that they were considered at the time as essentially connected, and as being each necessary to the other. The two classes of persons to which the Acts apply were in fact so intermingled, and so constantly running into each other, that it would be often impossible to deal with them separately, or always to discriminate between the merely "poor" and the "rogue, vagabond, or sturdy beggar." The two statutes must therefore be regarded as parts of a whole, although for conveniency they are enacted separately.

The *39th Elizabeth, cap.* 4, commences by repealing "all statutes heretofore made for the punishment of rogues, vagabonds, or sturdy beggars, or for the erection or maintenance of houses of correction,"[v] from which we may infer that the previous enactments for these objects had failed of the desired effect. The Act then empowers the justices of peace of any county or city assembled at quarter sessions "to erect

1597-8. 39 Elizabeth, cap. 4.

[v] Ante, p. 168, 18th Elizabeth, cap. 3.

or cause to be erected one or more houses of correction within their several counties or cities;" and they are further empowered to make orders from time to time "for the providing of stocks of money and all other things necessary for the same, and for raising and governing of the same, and for correction and punishment of offenders thither to be committed." A definition is then given of the persons deemed offenders under the Act, and the list comprises "all persons calling themselves scholars going about begging; all seafaring men pretending losses of their ships and goods on the sea; all idle persons going about either begging or using any subtle craft or unlawful games and plays, or feigning to have knowledge in physiognomy, palmistry, or other like crafty science, or pretending that they can tell destinies, fortunes, or such other fantastical imaginations; all fencers, bearwards, common players, and minstrels; all jugglers, tinkers, pedlers, and petty chapmen; all wandering persons and common labourers, able in body, and refusing to work for the wages commonly given; all persons delivered out of gaols that beg for their fees or travel begging; all persons that wander abroad begging, pretending losses by fire or otherwise; and all persons pretending themselves to be Egyptians:" such persons, it is declared, "shall be taken, adjudged, and deemed rogues, vagabonds, and sturdy beggars, and shall sustain such pain and punishment as by this Act is in that behalf appointed."

It is then enacted, that every person thus declared to be a rogue, vagabond, or sturdy beggar, and who shall be taken begging, wandering, or misordering themselves, shall, by the appointment of any justice of the peace, or by any constable, headborough, or tithing-man, assisted therein by the advice of the minister or one other of the parish where such person shall be taken, "be stripped naked from the middle upwards, and be openly whipped until his or

Sturdy beggars to be stripped naked and whipped, and sent to their place of birth or last residence.

her body be bloody, and shall then forthwith be sent from parish to parish, by the officers of every the same, the next straight way to the parish where he was born, if the same may be known by the party's confession or otherwise; and if the same be not known, then to the parish where he or she last dwelt by the space of one whole year, there to put himself or herself to labour as a true subject ought to do; or if it be not known where he or she was born or last dwelt, then to the parish through which he or she last passed without punishment."

After being thus whipped, the culprit is to be furnished with a testimonial certifying the same, with the date and place of punishment, and the place whereunto he is directed to go, and the time allowed for getting thither. "And if the said person through default do not accomplish the order appointed by the said testimonial, then to be eftsoons taken and whipped; and so often as any default shall be found in him or her contrary to this statute, in every place to be whipped till such person be repaired to the place limited." And the person so whipped, &c., is to be conveyed, by the officers of the village where he last passed through without punishment, to the house of correction, or to the common gaol, there to remain and be employed in work, until he or she shall be placed in some service, or, if not able of body, until placed in some almshouse.

It is further provided, that "if any of the said rogues shall appear to be dangerous to the inferior sort of people where they shall be taken, or otherwise be such as will not be reformed of their roguish kind of life," in such case the justices may commit them to the house of correction or the county gaol until the next quarter session, where the majority of the justices then assembled are empowered to banish such rogue unto such parts beyond the seas as shall be at any time assigned by the privy council; and if the rogue so banished shall return again without licence, he shall suffer death as in case of felony."

The clause in the 14*th Elizabeth* is repeated, providing that any one having charge of a vessel passing from Ireland, Scotland, or the Isle of Man, who shall willingly bring or suffer to be brought into England, any "Mannsyke, Scottish, or Irish rogue, vagabond, or beggar, or any such as shall be forced or very like to live by begging," is liable to a penalty of twenty shillings. And constables, headboroughs, and tithing-men are subjected to a penalty of ten shillings in case they shall "be negligent and do not use their best endeavours for the apprehension of such vagabond, rogue, or sturdy beggar, and cause every of them to be punished according to the true intent and meaning of the Act." The influx of beggars from Ireland, Scotland, and the Isle of Man, for prevention of which this enactment was framed, was probably owing to the superior wealth of England, without which there would have been little inducement for immigrants — independently of that love of change which seems natural to the mass of mankind.

Diseased poor are again prohibited from resorting to Bath or Buxton, "to the baths there for the ease of their griefs," unless licensed by two justices, and provided with sufficient means of subsistence whilst they abide there, and for their travelling thither and returning. There is likewise, as in the 14*th Elizabeth*, a proviso in behalf of shipwrecked mariners, permitting them, under a testimonial signed by a justice of peace, to "ask and receive such relief as shall be necessary." These enactments indicate the growing importance of maritime pursuits, and the estimation in which they were at this time held. The age of Drake, and Raleigh, and Frobisher, and Davis, and Lancaster, so fruitful in nautical daring and commercial enterprise, could not fail of imparting increased energy and hardihood to every department of maritime adventure; and hence shipwrecks would be likely to be of more frequent occurrence.

In these two statutes of the 39*th Elizabeth, caps.* 3 *and* 4, a marked distinction is made between the infirm and impotent poor, or "poor indeed," and the sturdy beggars "mighty in body," whose poverty is occasioned by their being idle and vicious, the two classes being dealt with in separate Acts. The system was still, however, deemed incomplete, there being no easy and certain means by which persons of opulence could by their individual efforts, or by their contributions, voluntarily assist in furthering the objects sought to be attained by the stringency of the law. To supply this deficiency, another Act (*cap.* 5) was passed, which, taken in combination with the two preceding Acts, may be regarded as forming one entire measure for relieving the poor and repressing vagabondism.

1597-8. 39 Elizabeth, cap. 5.

The 39*th Elizabeth, cap.* 5, after quoting in the preamble the 35*th Elizabeth*, which empowers persons to bequeath lands and hereditaments for providing and maintaining houses of correction, &c., declares that "the said good law hath not taken effect as was intended, by reason that no person can erect or incorporate any hospital, houses of correction, or abiding-places, but by her Majesty's special licence by letters patent under the great seal." Wherefore, in order that so good and charitable a work may be effected with as great ease and little charge as may be, it is enacted, that any person may, within twenty years, at his will and pleasure, by deed enrolled in Chancery, "found and establish one or more hospitals, maisons de Dieu, abiding-places, or houses of correction, as well for the sustentation and relief of the maimed poor, needy, or impotent people, as to set the poor to work; and from time to time to place therein such head and members, and such number of poor, as to him shall seem convenient." The hospitals, &c., so founded are to be incorporated, and have perpetual succession for ever, "in fact, deed, and name," and are to be ordered and

visited as appointed by the founder. But it is provided that no such hospital, &c., shall be founded or incorporated, "unless it be endowed for ever with lands, tenements, or hereditaments of the clear value of ten pounds by the year."

In the same year with the three preceding Acts, *The 39th Elizabeth, cap.* 17, was passed for the correction of another evil, apparently of serious magnitude. It recites that "divers lewd and licentious persons, contemning both laws, magistrates, and religion, have, of late days, wandered up and down in all parts of the realm, under the name of soldiers and mariners, abusing the title of that honourable profession to countenance their wicked behaviour, and do continually assemble themselves, weaponed, in the highways, and elsewhere, in troops, to the great terror and astonishment of her Majesty's true subjects.[w] And many heinous outrages, robberies, and horrible murders are daily committed by these dissolute persons." It is then ordered that all wandering soldiers and mariners or idle persons shall settle themselves to some labour, or else repair to the place where they were born, or to their dwelling-place, if they have any, and there remain, betaking themselves to some lawful course of life, on pain of being reputed felons, and suffering as in case of felony without benefit of clergy. This was certainly severe, having regard to the class of persons against whom the Act was specially directed; but if the enormities named in the preamble were really perpetrated, they would warrant the exercise of great severity against the offenders.

1597–8. 39 Elizabeth, cap. 17.

The above statute was, however, repealed three years afterwards by *The 43rd Elizabeth, cap.* 3, which, in a more kindly spirit, recites—that "it is now found more needful than it was to provide

1601. 43 Elizabeth, cap. 3.

[w] This reminds one of the wayside beggar, who with levelled carbine frightened poor Gil Blas out of a charitable contribution.

relief and maintenance to soldiers and mariners that have lost their limbs and disabled their bodies in the defence and service of the state; and to the end that the said soldiers and mariners may reap the fruits of their good deservings, and others be encouraged to perform the like endeavours," it is now enacted that every parish shall be charged to pay such a sum weekly towards the relief of sick, hurt, and maimed soldiers and mariners, having been in her Majesty's service, as the justices in quarter sessions shall determine, under certain limitations as to amount; and the same is to be leviable by distress, in default of payment. But it is nevertheless provided, "that every soldier or mariner that shall be taken begging in any place within the realm, shall for ever lose his annuity or pension, and be taken, deemed, and adjudged as a common rogue and vagabond, and shall sustain the like pains and punishments as is appointed for common rogues and vagabonds."

We are now arrived at the important period when, by *The 43rd Elizabeth, cap.* 2, the principle of a compulsory assessment for relief of the poor was fully and finally established as an essential portion of our domestic policy. In the earlier statutes we have seen that little was aimed at beyond the repression of mendicancy and vagabondage by inflicting severe, and often cruel, punishments on the offenders; and even in the statutes of a later period this still appeared to be the chief and governing motive. "Valiant beggars and sturdy vagabonds" were in nearly every case denounced as causing all the evil and disorganization which prevailed in the land. The permission to beg on certain conditions, and within certain limits, and the attempts made to stimulate charitable relief for the infirm poor, can hardly be considered as exceptions, for they must, from their very nature, have been almost, if not altogether, inoperative.

Such was the state of Poor Law legislation down to the passing of the 39th of Elizabeth in 1597. Long previously, however, a persuasion seems to have been gaining ground that severe punishments alone would not prove effectual, and that something else was necessary for putting down vagabondage and mendicancy, with their auxiliary train of evils. Thus, by the 27*th Henry the* 8*th, cap.* 25, the head officers of towns, &c., were directed to succour and charitably relieve the impotent poor, and also to set and keep "sturdy vagabonds and valiant beggars at continual labour." And the 5*th and* 6*th Edward* 6*th, cap.* 2, directs a register of the poor to be kept, and the parishioners to be "gently exhorted and admonished" to contribute, according to their means, for like objects. The 5*th Elizabeth, cap.* 3, goes still further, and empowers justices to use compulsion towards persons obstinately refusing to contribute; and by the 14*th Elizabeth, cap.* 5, overseers are appointed and a better organization is formed for the collection and distribution of charitable alms; whilst by the 39*th Elizabeth, cap.* 3, nearly all the means are provided, short of an absolute and regular assessment of property, for effectually relieving the destitute poor, and for giving employment to such of them as are able to labour.

Progress of legislation with respect to the poor.

Notwithstanding these successive measures, each in advance of the other, a conviction seems to have been forced upon the legislature that something further must yet be done. It appears at length to have been seen, that severity of punishment loses its terrors in the presence of actual want; that a man will beg, or steal, or resort to violence, rather than starve; and that the first step towards putting down begging and vagabondage and crime, should be to provide against the occurrence of such an extremity of want as would leave no alternative between starvation and a breach of the law. It was evident, however, that this convic-

tion had been preceded, and was accompanied, by a strong sense of the vast importance of the subject, and the serious difficulties and dangers with which it was beset; and it was not until each and all of the foregoing statutes had been tried and fully tested, and after experience had shown their insufficiency, that the eminent statesmen of Elizabeth's reign courageously determined to act upon the principle that the relief of destitution must be undertaken as a public duty, and be provided for at the public charge, in order to ensure the due ascendancy of the law; and this principle was finally established by the passing of the 43*rd Elizabeth*, to a consideration of which we will now proceed.

The 43*rd Elizabeth*, *cap.* 2, the great turning-point of our Poor Law legislation, is still the foundation and text-book of English Poor Law. It is remarkable that this most important statute has no preamble, setting forth the evils to be corrected and the good expected from it, as is the case with most of the other statutes; but it goes at once to its object, and directs that in every parish "four, three, or two substantial householders shall, under the hand and seal of two or more justices of the peace, be yearly nominated in Easter week, and that these, with the churchwardens, shall be overseers of the poor." These overseers are "to take order from time to time," with the consent of the justices, for carrying the several provisions of the Act into effect. They are to raise, "weekly or otherwise, in every parish, by taxation of every inhabitant, parson, vicar, and other, and of every occupier of lands, houses, tithes impropriate, or propriations of tithes, coal-mines, and saleable underwoods, in the said parish, in such competent sum and sums of money as they shall think fit," for the following purposes:—

1601. 43 Elizabeth, cap. 2.

First. "For setting to work the children of all such whose parents shall not be thought able to keep and maintain them."

Secondly. "For setting to work all such persons, married and unmarried, having no means to maintain them, and who use no ordinary and daily trade of life to get their living by."

Thirdly. "For providing a convenient stock of flax, hemp, wool, thread, iron, and other ware and stuff, to set the poor on work."

Fourthly. "For the necessary relief of the lame, impotent, old, blind, and such other among them being poor, and not able to work."

For effecting these several objects, the churchwardens and overseers of the poor are, as was directed by the 39*th Elizabeth, cap.* 3,[x] "to meet together at least once in every month, in the parish church, after Divine service on the Sunday, to consider of some good course to be taken, and of some meet order to be set down, in the premises." And within four days after the end of their year of service, and after other overseers are in like manner appointed, they are "to make and yield up to such two justices of the peace, as aforesaid, a true and perfect account of all sums of money by them received, or rated and sessed and not received, and also of such stock as shall be in their hands, or in the hands of any of the poor to work, and of all other things concerning their said office." And in case of default, absence, or negligence of any kind being proved against them, before two or more justices, they are subjected to a fine of twenty shillings.

The mutual liability of parents to maintain their children, and of children to maintain their parents, established by the 39*th Elizabeth*, is extended by this Act to the grandfathers and grandmothers, whenever the parties respectively are of sufficient ability so to do. And the churchwardens and overseers are empowered, with the assent of two justices, to bind those

[x] Ante, p. 183.

"poor children, whose parents cannot maintain them, to be apprentices, where they shall see convenient, till such man-child shall come to the age of four-and-twenty years, and such woman-child to the age of one-and-twenty years, or the time of her marriage; the same to be as effectual to all purposes as if such child were of full age, and by indenture of covenant bound him or herself."

With wise and provident forethought the experienced statesmen to whom we are indebted for the present Act, likewise guarded (as they had done in the 14*th* and the 39*th* *Elizabeth*) against a possible excess of poverty in any locality, and the consequent deficiency of means for affording relief, by providing that if "the inhabitants of any parish are not able to levy among themselves sufficient sums of money for the purposes aforesaid," then any parish or parishes within the hundred may be "taxed, rated, and assessed to pay such sum and sums of money to the churchwardens and overseers of the said parish, for the said purposes, as the said justices shall think fit, according to the intent of this law;" and if the hundred shall be deemed unable, then the county is to be assessed for like purpose. This is "*The Rate in Aid*" clause, which has, however, very rarely been acted upon, its existence probably helping to avert the contingency which it was provided to meet.

Justices of the peace are empowered "to commit to the house of correction, or common gaol, such poor persons as shall not employ themselves to work, being appointed thereunto by the overseers;" and they are also empowered, on the nonpayment of the moneys taxed and assessed, to issue a warrant of distress for recovering the same, and in defect of such distress to commit the offender to prison until the said money with all arrearages be paid. But any person or persons who shall find themselves aggrieved by "any sess, tax, or other act

done" under the provisions of this statute, may appeal to the justices at their general quarter sessions, who are "to take such order therein as to them shall be thought convenient."

Such are the chief provisions of this important statute; and so complete were they as then framed, both for providing the means of relief, and for its due administration in all cases in which relief could be necessary or proper, that they stand entire and constitute the basis of the law at the present day—always however excepting the settlement law, and the various complicated enactments which sprang out of it, and of which we shall have to speak hereafter.

The 43rd Elizabeth was not the result of a sudden thought or a single effort, but was gradually framed upon the sure ground of experience; and it is curious to trace the successive steps by which its chief enactment, that of a compulsory assessment for the relief of the poor, came at length to be established. First the poor were restricted from begging, except within certain specified limits. Next the several towns, parishes, and hamlets were required to support their poor by charitable alms, so that none of necessity might be compelled "to go openly in begging," and collections were to be made for them on Sundays, and the parson was to stir up the people to be bountiful in giving. Then houses and materials for setting the poor on work were to be provided by the charitable devotion of good people, and the minister was every Sunday specially to exhort the parishioners to contribute liberally. Next the collectors for the poor, on a certain Sunday after divine service, were to set down in writing what each householder was willing to give weekly for the ensuing year; and if any should be obstinate and refuse to give, the minister was gently to exhort him, and, if he still refused, then to report him to the bishop, who was to send for and again gently exhort him; and if still refractory, the bishop was

to certify the same to the justices in sessions, and bind him over to appear there, when the justices were once more gently to move and persuade him; and if he would not be persuaded, they were then to assess him in such a sum as they should think reasonable. This prepared the way for the more general assessment authorised by the 14*th* and the 39*th Elizabeth*, which again led to the complete and universal assessment of property established by the present Act, and which still continues the law.

1603. Death of Queen Elizabeth.

In less than two years after the passing of the above Act, Elizabeth terminated her long, distinguished, and most useful career. She died on the 24th of March 1603, in the seventieth year of her age and the 45th of her reign. Her character is best shown in the history of her country and of the age in which she lived; and it would be out of place to speak of it here further than is necessary for elucidating our subject.

The vigorous government of the Tudor sovereigns, extending over a period of nearly a century and a quarter, from the accession of Henry the Seventh to the death of Elizabeth, was favourable to agricultural and commercial industry, and to the increase and improvement of the population, which has been estimated at five millions in 1580.[y] This may have been, and probably was, rather a high estimate, but at the end of Elizabeth's reign there can be little doubt of the population having reached that amount. A middle class had sprung up during this period, possessed of considerable wealth and influence, and serving in some degree as a check or counterpoise to the power of the crown, which grew to an inordinate height after it had obtained an ascendancy over the great feudal aristocracy. But the chief event of the Tudor dynasty was the

[y] See 'Pictorial History of England,' book vi. p. 903; and see also M'Culloch's 'Statistical Account of the British Empire,' vol. i. p. 397.

Reformation, commenced by Henry the Eighth, matured under Edward the Sixth, and finally consummated and established in the reign of Elizabeth. We can hardly over-estimate the consequences of the great change then effected. The free circulation of the Scriptures in the native tongue must have exercised a most beneficial influence upon the habits and religious feelings of the people; whilst the public mind, awakened and roused into activity by the circumstances of the period, and elevated by the precepts and examples of holy writ, assumed a bolder and more energetic tone, not with regard to religious questions only, but in all matters connected with the political and social condition of the people, their wants, their duties, and their rights.

Effects of the Reformation.

So great a change, involving the overthrow of the entire establishment of the Roman Catholic Church, the annihilation of its power, and the confiscation of its property, was felt in every nook and corner of the land, but by none perhaps so immediately, or so much, as by that class which had been accustomed to rely upon alms for support. The vagrants and mendicants were at once deprived of their accustomed doles, and their ranks were at the same time swelled, not only by the persons discharged from the numerous religious institutions, but also by the many who were heretofore occupied with the forms and ceremonies of the Romish religion, for whom there was no place under the more simple ritual by which it was superseded. When to these immediate consequences of the Reformation is added the fact that serfage and villeinage had, at no very remote period, been abolished, and that by such abolition the people had acquired the right of independent action, and severally taken upon themselves the duty of providing for their own wants, we cannot wonder if mendicancy and vagrancy were for a time increased, or that these evils should be more loudly complained of under Edward

the Sixth, and in the earlier part of Elizabeth's reign, than they previously had been.

Out of this increase of evil, however, there sprang up a remedy, as has been the case in so many other instances—an effectual relief for destitution was at length established, and the community thereby acquired a right to prohibit mendicancy. Without doing the one, it would have been futile as well as cruel to attempt the other—the two things must go together. The successive failure of all preceding legislation on the subject tended to confirm and establish the truth of this axiom, on which at length the framers of the 43*rd of Elizabeth* had the wisdom and the courage to act. The effects following upon this action I shall endeavour hereafter to describe; but in the mean time it will be necessary to take a hasty survey of the state of the law, the circumstances of the country, and the general condition of the people, at the close of Elizabeth's reign.

Whoever shall have perused the extracts given in the preceding pages, and considered the circumstances of the periods in which the statutes were severally passed, can hardly fail to perceive that they all tended to the establishment of a legally authorized provision for the relief of the destitute. Even the most stringent and severe enactments against vagrants and beggars tended to this, their failure serving to show that no severity of punishment could be effective; and but for these severe and often cruel enactments, the fact of their insufficiency might not have been so clearly established. Whilst a doubt remained on the point, so long as there appeared to be a chance of putting down vagabondage and mendicancy by penal and prohibitory statutes alone, it cannot excite surprise that severity more or less stringent was resorted to, or that cumulative punishments, even of a revolting character, should have been enacted against offenders. Hence the fluctuations observable in the various statutes, from the 13*th of*

Edward the 1st downwards. At one time they are more stern and cruel, at another time less so; but they always manifest a severity of character from which the mind of modern legislators would shrink. In fact, each gradation in the scale of punishment was tried, abandoned, re-established with added stringency, and again abandoned, with a lingering pertinacity which can only be accounted for by the struggle between experience and preconceived notions, and the kind of uncertainty that was felt as to whether it might not yet be possible to succeed by such means.

This uncertainty appears, however, at length to have yielded to the conviction that something more must be done than merely to punish offenders. Charitable alms and contributions for the relief of the poor were invoked, and after a time a machinery was constituted for collecting and distributing these offerings, and for stimulating liberality where the givers were found tardy. Means for relieving the infirm poor were thus in some degree provided, as well as coercion and punishment for the vagrant class; but the latter was positive and certain, the former contingent and uncertain. So this too failed, and the last step was at length taken, of giving a certainty to each, so far as it is susceptible of being attained by legislative enactment.

Man's natural wants, and his desire to obtain the comforts and conveniences of life, will generally operate as sufficient stimulants to exertion; but in every community there will be certain individuals so feebly constituted, either physically or mentally, as to be unequal to the task of providing for themselves; and there will likewise be some whose moral qualities are of so low a standard, that, although not labouring under bodily or mental infirmity, yet the motives which actuate others fail of influencing them, and they are found naturally idle, and indisposed or unequal to continuous effort or application of any kind. These two classes are properly

objects of care in every community. They are the weak parts of the social fabric, and must be looked after and regarded as a common charge. To these two classes may be added a third, the violent, insubordinate, and vicious, whose numbers will in great measure depend upon the state of society and the circumstances of the times, and who are the fit objects for penal legislation. But individuals of this last class will nevertheless not unfrequently endeavour to prey upon the community under the guise of, and by mingling with, one or other of the two first-named classes. From this class chiefly came the sturdy vagabonds, "mighty in body," so often complained of in the earlier statutes, and against whom the severest enactments were directed. The three classes here described, differing essentially each from the other, and not having by any means the same claims for sympathy and assistance, are yet included under the general designation of "the poor." In all legislation for the poor, therefore, the distinctive characteristics of these classes ought to be borne in mind, and care should be taken that, whilst providing for all who are in actual need, the relief afforded shall be so regulated as that encouragement be not given to the idle and the vicious; and the 43*rd of Elizabeth* was framed in conformity with this principle.

The passages which have been cited from the statutes passed in the several reigns, immediately affecting or indirectly bearing upon the condition of the people, will throw light upon the state of the country at the different periods to which they refer. Regarded as a whole, they bear evidence of continuous social improvement, often slow indeed, but in the main always progressive. Freedom from vassalage accompanied the growth of trade and manufacturing industry, and with these came increase of wealth and civilization, and the growth of a middle class serving as a connexion between the higher and the lower orders, and thereby completing,

and as it were cementing, the social structure. In the earlier reigns these improvements made comparatively slow progress, and were not always perceptible—in the latter, improvement was more rapid and more apparent. This was especially the case in Elizabeth's reign, by the end of which society may be said to have very nearly attained its present form. Individual liberty was then established, the law was indifferently administered, and the productive energies of the country were more freely developed.

It must not be supposed, however, that the condition of the people or the civilization of that day was equal to what exists at present. In the great towns the difference was perhaps less, for there wealth had accumulated, and brought improvement in its train; but in the villages and country districts we have at the present day nothing approaching to the rude and barbarous manner in which the rural population then lived. At the time of Elizabeth's accession, their habitations were for the most part wretched hovels, formed of wattles plastered over with mud or clay, often without chimneys, and with nothing to admit the light but an opening in the wall. Their mode of living was equally rude, and they slept upon straw.[z] Perhaps this description applies more particularly to Edward's and Mary's reigns, and improvement may have taken place in the time of Elizabeth, for she is said on some occasion to have declared that "when the houses were of wood she had men of stone, but that since the houses were built of stone she had wooden men." This may or may not have been said by the queen, but the report or belief that it was so, warrants a presumption that some such change had taken place in the habitations of the people. An important change had certainly taken place in another

Condition of the people in the time of Elizabeth.

[z] See Holinshed, as quoted by Hume, in a note at the end of the 4th volume of his History, p. 462.

respect, the number of criminal executions having decreased to less than 400 annually. This number doubtless indicates the existence of a fearful amount of crime, but it is still much less than in previous reigns, especially in that of Henry the Eighth, when there were said to be 2000 of such executions every year.

Coaches were first introduced from Holland in 1564, and pocket watches were introduced about the same period. Before that time, ladies were accustomed to travel on horseback, or in uncouth waggons, which were compared to great boxes on wheels. The first legislative provision for the repair of roads was by the *2nd and 3rd Philip and Mary*, which declares that the roads were at that time tedious and noisome to travel on, and dangerous to passengers and carriages, and enacts that the inhabitants of every parish shall keep their roads in repair, and annually appoint two surveyors of the highways for the purpose of attending to this duty. In the early part of her reign Elizabeth generally travelled on horseback, and on state occasions she rode on a pillion behind the Lord High Chancellor. With the aid of a Dutch coach and a Dutch coachman, she was enabled, in the latter years of her reign, to move from one place to another with more comfort and greater dignity.

In 1582 the number of seamen in England was ascertained to be 14,295. The number of vessels was 1,232, of which only 217 were above eighty tons burthen. Yet in 1599, on the alarm of an invasion by the Spaniards, the queen equipped a fleet and levied an army in a fortnight, a proof that the events connected with the formidable Armada in the early part of her reign had not been forgotten, and that she still had the hearts of the people with her. Ireland, although it had been upwards of four centuries subjected to the English Crown, was still in a state of rudeness and disorder. It yielded a revenue of only about six thousand a year,

whilst it is affirmed that in ten years Ireland had cost the queen 3,400,000*l.*, an immense sum, if we consider the slender income possessed by Elizabeth, and out of which she had to defray all the expenses of her government, civil, military, and domestic. In 1569 a patent was obtained from the Czar of Muscovy, with whom the queen had cultivated friendly relations, granting to the English an exclusive right of traffic with that country. The trade with Turkey commenced about the year 1583, and in 1600 the queen granted the first patent to the East India Company. These are incidents of great national importance, having a material influence upon the industrial occupations and the social condition of the people, as well as upon the wealth and power of the country.

Prices of provisions.

During the half-century preceding Mary's reign, or from 1500 to 1550, it has been shown that a considerable advance in the money prices of commodities had taken place;[a] but the advance was still greater in the following half-century, as appears by the table of prices collected by Sir Frederic Eden.

Wheat was 8*s.* and 13*s.* 4*d.* the quarter in 1550, and about the same in 1555 and 1561, after which year the price rose considerably. In 1562 it was 17*s.* in April, and 22*s.* in December. In 1568 it was 13*s.* 4*d.*; in 1574 it was 24*s.*; in 1579 it was 16*s.*; in 1584 it was 20*s.*; in 1591 it was 18*s.*; in 1593 it was 12*s.*; in 1598 it was 18*s.*; and in 1599 it was 27*s.* the quarter in August, and 23*s.* in November. These are set down, not as the extreme, but as what appeared to be about the medium prices in the several periods. The fluctuations were, however, very great,—thus in 1554 the price of wheat was at one time 8*s.*, at another 16*s.*; in 1560 the price in June was 16*s.*, and in December 26*s.*; in 1565 the price was 15*s.* at the end of March, and in the January following it was

[a] See ante, p. 149.

28*s.*; in 1573 just before Christmas it attained the famine price of 56*s.* the quarter, but in August of the following year it fell back to 24*s.* In 1586 it again rose to the enormous price of 53*s.*, and in 1587 to 64*s.* in London, and 80*s.* in other places, and one quotation even gives it at the almost incredible price of 104*s.* In 1596 wheat in the early part of August was at 56*s.*, at the end of the month it fell to 36*s.*; but shortly afterwards it again rose to 100*s.* Putting aside these extreme fluctuations, however, it appears that 10*s.* a quarter, which we have assumed to be about the medium price for wheat in 1550,[b] advanced to 23*s.* and 27*s.* the quarter in 1599, being an apparent increase of above 100 per cent. in the money price of the article within that period. The prices of other grain corresponded nearly with the price of wheat. In 1562, when wheat was 10*s.* a quarter, rye was 8*s.*, barley 6*s.* 8*d.*, and oats 5*s.* In 1590, when wheat was at 21*s.*, rye was 17*s.* 6*d.*, barley 13*s.* 4*d.* In 1595, when wheat was 44*s.*, rye was 26*s.* 8*d.*, and barley 20*s.* Towards the end of this year rye was imported from Denmark, and sold to the poor at 32*s.* the quarter, wheat being then at the famine price of 53*s.* 4*d.*

I refrain from quoting the prices of oxen, sheep, poultry, and a vast variety of other articles given in the table, as these prices would much depend on size, quality, and other circumstances, about which no information is afforded; neither do I take into account the change made in the value of the silver coin in 1550,[c] the extent of which, although possibly considerable, cannot now I believe be accurately estimated. But after a careful examination of all the circumstances, it is, I think, impossible to doubt that a very considerable and general increase in the money price of all the necessaries of life took place in course of the sixteenth century, and that the larger portion of such increase

[b] See ante, p. 149. [c] Ibid.

occurred in the latter half of the period, when the more rapid increase of wealth, and the generally improved condition of the great mass of the people, would naturally occasion a greater demand, and when moreover the influx of the precious metals from the New World, which had been going on throughout the entire period, would necessarily cause them to be more abundant, and tend to advance the money price of every kind of commodity.

Rate of wages.

With respect to wages, the last statute prescribing the amount to be severally paid to labourers, artificers, and others, was passed in 1514,[d] and this did no more than re-enact the *11th Henry 7th, cap.* 2, passed in 1495.[e] The *5th Elizabeth, cap.* 4, in 1562,[f] does not venture to prescribe what wages are actually to be paid in each case, as was done in the preceding Acts; but, after reciting "that the wages and allowances limited and rated in the said statutes are too small, and not answerable to this time, respecting the advancement in prices of all things belonging to the said servants and labourers," it goes on to express a hope that by recasting, consolidating, and duly modifying the said laws, "it will come to pass that the same law, being duly executed, should banish idleness, advance husbandry, and yield unto the hired person, both in time of scarcity and in the time of plenty, a convenient portion of wages." The Act then, as has already been shown, empowers the justices in quarter sessions to fix the rates of wages annually within their several divisions, and to proclaim and enforce the same under certain penalties.

If we compare the rates of wages established in 1495 by the *11th Henry the 7th*,[g] and confirmed in 1514 by the *6th Henry the 8th*,[h] with the wages paid about the end of the reign of Elizabeth, it will be seen that an

[d] Ante, p. 110. [e] Ante, p. 99. [f] Ante, p. 157.
[g] Ante, p. 99. [h] Ante, p. 110.

increase had taken place nearly corresponding with the increase in the prices of provisions. Thus in 1495 the wages of masons, carpenters, and other artificers were by the statute fixed at 6*d.* a day in summer, and 5*d.* a day in winter, without diet; whilst in 1601 the wages of a mason or tiler are stated in the tables to be 1*s.* 2*d.* a day. In 1495 the wages of a day labourer were 4*d.*, without diet—in 1601 they are set down in the tables at 10*d.* In 1495 the wages of a bailiff in husbandry were fixed at 26*s.* 8*d.*, with 5*s.* for clothing; of a hine, carter, or shepherd at 20*s.*, with 5*s.* for clothing; of a common servant in husbandry at 16*s.* 8*d.*, and 4*s.* for clothing; of a woman-servant at 10*s.*, with 4*s.* for clothing; and of a boy of fourteen at 6*s.* 8*d.*, with 4*s.* for clothing. In 1593 the wages fixed by the magistrates of the East Riding of York, under the provisions of the 5*th Elizabeth*, are, for a bailiff in husbandry 33*s.* 4*d.*, with 6*s.* 8*d.* for clothing; a chief servant or shepherd, 26*s.* 8*d.*, with 6*s.* 8*d.* for clothing; a common servant in husbandry that can mow and plough, 23*s.* 4*d.*, with 6*s.* 8*d.* for clothing; a woman-servant who can brew and bake, 13*s.*, with 4*s.* for clothing; and a youth under eighteen years of age, 16*s.*, without allowance for clothing.

The rates of wages fixed by the justices at the quarter sessions held at Okeham, in the county of Rutland, on the 28th of April, 1610, were, for a bailiff in husbandry, 2*l.* 12*s.*; for the best sort of man-servant (say the hine, carter, or shepherd), 2*l.* 10*s.*; for a common servant who can mow, 2*l.*; for a ploughman, 1*l.* 9*s.*; for a woman-servant, 1*l.* 3*s.* 4*d.*; and for a youth under sixteen, 1*l.* These two latter rates are quoted from documents inserted in the appendix of Sir Frederic Eden's tables, and it may be further remarked that in 1544 it was found necessary to raise the wages of seamen in the king's ships from 5*s.* to 6*s.* 8*d.* a month.

On a summary of the documents above referred to, it appears that the rates of wages at the three periods named, including the allowance for clothing, were as follows:— Comparison of the rates of wages in 1495, 1593, and 1610.

By the Year.	1495. s.	d.	1593. s.	d.	1610. s.	d.
A bailiff in husbandry	31	8	40	0	52	0
A hine, shepherd, or husbandry servant of the best sort	25	0	33	4	50	0
A common servant in husbandry	20	8	30	0	40	0
An inferior ditto			25	0	29	0
A woman-servant	14	0	17	4	26	8
A youth under sixteen	9	8	16	0	20	0
By the Day.						
A mower in harvest, without meat and drink	0	6	0	10	0	10
A reaper or carter, ditto	0	5	0	5	0	8
All other labourers without meat and drink, in summer	0	4	0	5	0	7
All other labourers without meat and drink, in winter	0	3	0	4	0	6
Artificers, without meat and drink, in summer	0	6	0	8	0	10
Artificers, without meat and drink, in winter	0	5	0	7	0	8
					on an average	

The rates severally proclaimed by the justices of the East Riding in 1593, and by the Rutlandshire justices in 1610, as above quoted, had, in all probability, especial reference to the circumstances of these districts, and cannot be taken as proofs of what was done in other parts of the country; but they may be regarded as presumptive evidence, and, coupled with the lights obtained from other sources, they warrant the conclusion that an increase in the money rate of wages had taken place in course of the sixteenth century, equivalent to the increase in the price of the necessaries of life within the same period. It could hardly indeed have been otherwise, for, if the labourer's earnings be not sufficient for maintaining him in health and vigour, he will not be able to perform the same amount of labour, if to labour at all. So that, in the long run, the cost of subsistence, taken in its largest sense, may be said to govern the rate of wages, without however excluding the influence of supply and demand, and the higher or lower condition of the labouring class, each of which,

no doubt, likewise affects the question. An excess of labour would lower its market value—an inferior social condition with respect to living, lodging, and clothing, might require less than one of a superior order—but sufficient for maintenance must still in some shape be obtained by the labouring class.

On the whole then, it may I think be assumed, that at the end of Elizabeth's reign, notwithstanding the increase which had taken place in the price of all commodities, the great mass of the English people were able, by a due exercise of industry, to obtain as large an amount of subsistence and physical enjoyment as at any former period, whilst the social improvements which had taken place extended in no inconsiderable degree to them, enlightening their minds, improving their habits, and raising them to a higher and more independent position.

There was doubtless at this time, still much rudeness observable in the dwellings, manners, and general mode of living of the great mass of the people; but the taint of former vassalage was now nearly obliterated, and they felt and acted as freemen, asserted their rights as such, and occupied their proper position in the community. For the maintenance and further improvement of that position no measure could have been better timed or better devised than the 43*rd of Elizabeth*. By making provision for relieving the destitute, and for setting the idle to labour, it rescued society from the danger and demoralisation that would ensue, if these two classes were left to wander at large; and also from the heavy tax of supporting them as mendicants, which, in the absence of such a law, all experience shows, would have fallen most heavily upon the class raised but one degree above them, and therefore least able to bear the burthen, and most liable to be dragged down to the same low level.

END OF PART THE FIRST.

PART THE SECOND.

FROM THE ACCESSION OF JAMES THE FIRST TO THE END OF THE REIGN OF ANNE.

CHAPTER V.

Accession of James I. — Laws against papists — Wages — Players — Rogues and vagabonds — Proclamation against incorrigible rogues — Overseers — Inns and alehouses — Conjurations and witchcrafts — Regulation of manufactures — Fisheries — Exportation of corn — The plague — Gunpowder Plot — Exportation of beer — Game-laws — Enactments against drunkenness — "Levellers" — Apprenticeship bequests — Houses of correction — Expedients for raising the revenue — Hospitals and working-houses — Abolishment of monopolies — Women convicted of "small felonies" — Laws relating to Wales — Usury law — Prohibition of profane swearing — Infanticide — Exportation of corn — Advance in prices — State of England and Ireland — Commerce — Progress of the Poor Law.

It has been shown by what gradual steps, and through what a series of enactments, often conflicting and always marked by great severity, the legislature advanced to a recognition of the principle that property must be chargeable for the relief of poverty, and that the security of the one is inconsistent with the extremity of the other. The *43rd of Elizabeth* was the matured fruit of this principle, out of which it grew, and on which all its enactments are based. And in order to show the necessity for such a measure, abstracts have been given of the various statutes passed in the three or four preceding centuries for restraining mendicancy and for punishing vagabondage, but which, having been framed in disregard of this great principle, altogether failed of the desired effect. Such other Acts have likewise been noticed as were calcu-

lated to throw light upon or materially affect the condition of the people, it being essential that the state of the community to which the law applies should be known and appreciated. It is hoped that these abstracts and these notices will not be considered unnecessary, and that the historical references introduced for the purpose of showing the state of the country at the several periods will not be thought superfluous or irrelevant. If there be a redundancy in either respect, it has been occasioned by a desire to afford the fullest information, and to place before the reader the best means of forming a correct judgment on a question of great social importance.

It is remarked by Hume, that the crown of England was never transmitted from father to son with greater tranquillity than it passed from the family of Tudor to that of Stuart.[a] During the latter years of Elizabeth's reign, the people had very generally been led to regard the King of Scotland as her successor; and, the queen having with her dying breath recognised his title, the nation readily welcomed his accession. He was accordingly proclaimed immediately after the queen's decease, and messengers were despatched to require his presence in his new kingdom. At the time of his arrival, great sickness prevailed in London. The plague had broken out, and in the course of the year had carried off above 30,000 persons, or one-fifth of the entire population, the city at that time containing little more than 150,000 inhabitants. The houses were chiefly built of wood, the streets were narrow, and the drainage and ventilation entirely neglected; so that we cannot wonder that London was then rarely free from plague, or some other pestilential disease. James's coronation took place on the 25th of July, but the prevailing sick-

James I. 1603-1625.

[a] Hume's 'History of England,' vol. vi. p. 2; edition of 1782.

ness caused the assembling of Parliament to be delayed until the 19th of March of the following year.

The first Act of this first Parliament (*The 1st James 1st, cap.* 1) is entitled 'A most joyful and just Recognition of the immediate, lawful, and undoubted Succession, Descent, and Right of the Crown;' and its second Act (*The 1st James 1st, cap.* 2) authorises the appointment of commissioners to treat with commissioners of Scotland "respecting the union of the two realms." Nothing, however, resulted from this commission, nor from others which were subsequently appointed in this reign. The time had not arrived when the Scotch and English nations could be fused into one people, and James was not an instrument fitted for accomplishing such a purpose. An Act was at the same time passed for the due execution of the law against Jesuits, seminary priests, recusants, &c., and imposing a penalty of 100*l.* on persons resorting or sending children to foreign seminaries for the purpose of being "instructed, persuaded, or strengthened in the popish religion." This was equivalent to a declaration on the part of the king and parliament of their determination to maintain the reformed religion as then established, and must have tended to quiet apprehensions and satisfy the country on this vital point, about which the people's minds had been so much disturbed.

1603-4. 1 James I., cap. 1.

1603-4. 1 James I., cap. 2.

1603-4. 1 James I., cap. 4.

It appears that doubts had arisen whether justices of the peace, under the *5th Elizabeth, cap.* 4,[b] were empowered to rate and settle the wages "of artificers, workmen, and workwomen, other than such as by some statute have been rated, or such only as did work about husbandry." *The 1st James 1st, cap.* 6, was now passed to remove these doubts, and it directs that "the authority by the same statute given for assessing and rating wages shall extend to any

1603-4. 1 James I., cap. 6.

[b] Ante, p. 157.

labourers, weavers, spinners, and workmen and workwomen whatsover, either working by the day, week, month, or year, or taking work at any person's hand whatsoever, to be done in great or otherwise." And it further orders that this may be done by the justices in divisional sessions, as well as in county sessions, and the rates thus settled are to be proclaimed by the sheriff without being first transmitted to the lord chancellor. Clothiers are also specially subjected to a penalty of ten shillings for every case in which they fail to pay the wages so rated and proclaimed; and then, in order to keep the seat of justice free from suspicion, it is declared "that no clothier, being a justice of peace in any precinct or liberty, shall be any rater of any wages for any weaver, tucker, spinner, or other artizan that dependeth upon the making of cloth." This was doubtless a proper provision, if a power for regulating wages was to be given at all; but why were not other employers of labour as well as clothiers prohibited from sitting in judgment on their own case? Every justice must have been an employer of labour of some kind, and yet the prohibition is only directed against clothiers.

Rating of wages.

Immediately after the preceding Act, *The 1st James 1st, cap. 7*, was passed, continuing and explaining the *39th Elizabeth*,[c] "for punishment of rogues, vagabonds, and sturdy beggars." After reciting and confirming the several provisions of the Act of Elizabeth, by which players of interludes and glassmen are, in certain cases, exempted from being punished as rogues and vagabonds, it is declared that "from henceforth no authority given by any baron, or other honourable personage of greater degree, shall be available to free players of interludes from the pains and punishments in the said statute mentioned."[d]

1603-4. 1 James I., cap. 7.

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[c] Ante, p. 186.

[d] The object of revoking the exceptions of the Act of Elizabeth, as regarded

"And whereas many notorious rogues and vagabonds travel about the country, professing the trade of glassmen, and committing many pickeries, petty felonies, and other misdemeanours," it is further declared, that all such persons as shall wander up and down the country to sell glasses shall be deemed rogues and vagabonds, and suffer punishment accordingly.

By the 39*th Elizabeth*,[c] justices in quarter sessions are empowered to banish dangerous rogues, or to condemn them to the gallies for life; but this provision is now declared to be defective, "for that the said rogues, having no mark upon them to be known by, may return or retire themselves into some other part of the realm where they are not known, and so escape the punishment the said statute did intend to inflict upon them;" for remedy whereof it is now ordained that "such rogues as shall by the said justices be adjudged incorrigible or dangerous, shall be branded in the left shoulder with a hot burning-iron of the breadth of a shilling, with a great Roman R, upon the flesh, that the letter R may be seen and remain for a perpetual mark upon such rogue during his or her life, and thereupon be sent to the place of his dwelling, if he have any; if not, then to the place where he last dwelt the space of a year; if that cannot be known, then to the place of his birth, there to be placed to labour as a true subject ought." And if any rogue so punished shall offend again in begging or wandering, he is to be judged a felon, and suffer as in cases of felony without benefit of clergy. All persons are moreover required, under a penalty of 10*s*., to apprehend such rogues,

players, appears to have been to confine the performance of plays to the companies licensed by royal patent. This was not an enactment against players generally, for in their patents all mayors and other local authorities are commanded to aid and assist them. The original exemption was meant to protect players from being confounded with bearwards and mere showmen; and the present revocation was really to confer a monopoly upon the patented companies.

[c] Ante, p. 186.

vagabonds, and sturdy beggars as they shall see or know to beg, gather, or receive alms.

These enactments against vagabonds and beggars equal in severity anything that appears in the older statutes, and it would seem, therefore, that the evil of vagabondage remained undiminished. The abuses which resulted from the exceptions contained in Elizabeth's Act, by idle dissolute persons wandering about begging or thieving, under pretence of being players of interludes or sellers of glass, show how impossible it is so to define the limits and set bounds to the practice of mendicancy as to prevent fraud and simulation, if the practice be sanctioned in any shape.

On the 17th of September in the previous year, and before the assembling of Parliament, James had issued a proclamation, signed by the members of his council, setting forth that it had appeared unto him, as well by his own view as by good and credible information from divers parts of the realm, "that rogues grow again and increase to be incorrigible and dangerous, not only to his loving subjects, but also to himself and his honourable council in and about the court:" and this is attributed partly to remissness on the part of justices and other officers, and partly to the fact that no place beyond the seas had been assigned to which such rogues might be banished. Wherefore it is directed, that such incorrigible and dangerous rogues should "be banished and conveyed to the New-found Land, the East and West Indies, France, Germany, Spain, and the Low Countries, or any of them." This was certainly an unwarrantable proceeding on the part of James and his council. It gave early proof of his disregard of constitutional limits; and our neighbours of France, Spain, Germany, and the Low Countries, might justly complain of his inundating them with the incorrigible and dangerous rogues whom the proclamation describes as

1603. Proclamation against incorrigible and dangerous rogues.

growing in England. But the late statute (the 43*rd Elizabeth*) had not yet come into effective use. The requisite machinery had been created for levying rates, for relieving the infirm poor, and for setting the able-bodied to work; and the necessary powers had been given to the justices and other authorities for punishing vagrants, and for the prevention of begging: but a considerable time would elapse before all these provisions could be carried into general operation.

Overseers of the poor.

A good deal seems to have been expected from the newly created office of "overseer of the poor." The appointment of overseers is first directed by the 14*th Elizabeth*, *cap.* 5,[f] but without any duties being specifically assigned to them. In the 18*th Elizabeth*, *cap.* 3,[g] the designation is changed to that of "collectors and governors of the poor," whose duties are to collect contributions, provide materials, and direct and superintend the employment of the poor in cities and towns. By the 39*th Elizabeth*, *cap.* 3,[h] it is directed that the churchwardens in every parish, and four substantial householders appointed annually at Easter, are to be "the overseers of the poor," and are to levy the contributions ordered by the justices, and relieve the impotent poor, and raise stocks of materials for setting the able-bodied poor to work, and also to apprentice poor children. The 43*rd Elizabeth*[i] prescribes similar duties, with the important addition that the overseers are to make and collect the requisite rates for these purposes; but instead of four substantial householders, it requires "four, three, or two" to act with the churchwardens, as "overseers of the poor, in every parish," and such is the law at present. We thus see that it took nine-and-twenty years, and successive legislation, from the 14*th* to the 43*rd of Eliza-*

[f] Ante, p. 161.
[g] Ibid., p. 168.
[h] Ibid., p. 183.
[i] Ibid., p. 194.

beth, fully to organise the office and settle the duties of *overseers of the poor*.

There can be no doubt that the institution of these functionaries has in various ways been productive of important results, but apparently not greater than was expected from them at the time. I have met with a small book entitled '*An Ease for Overseers of the Poor*,' printed at Cambridge in 1601, and therefore most likely written before the passing of the 43*rd of Elizabeth* in the same year. The subject is most elaborately treated in this work, under t[illegible]ty-one distinct heads. The first treats "of th[illegible]ord overseer"—the second of "what an overseer is"—the third, of "the diversity of overseers"—the fourth, of "what persons are fit to be made overseers," and so on, with an amusingly quaint and sententious particularity. The author commences with an address "to [illegible] overseers," to whom he wisheth "care to their office, health to their bodies, and heaven to their souls." Then addressing the reader, he says, "I have set forth this treatise, not for ambition, as Nimrod did the Tower of Babel to get a name, nor for vainglory, as Absalom did a pillar to preserve his name (for which cause I forbear my name), but of mere affection to my native country, to further it. If there be anything omitted, amend it; if there be something worth the following, use it; if it be a little defective, excuse it." He declares the office of *overseer* to be one of dignity and excellence, one "that may beseem the best and not the basest of men." These definitions are not, perhaps, calculated to afford much assistance to an overseer in the performance of his duties; but the work contains some useful hints and suggestions, and is written in so good a spirit, and with such an evident desire to give a right direction to the newly constituted office, both as regards the relief of the poor and the protection of the community against

'An Ease for Overseers of the Poor,' printed in 1601.

fraudulent claims, that it is impossible to peruse its quaint and formal pages without feeling respect for the writer. My chief reason for noticing the work, however, is to show that, so early as 1601, the office of *overseer* was considered of sufficient importance to warrant the issue of a publication from the University Press of Cambridge, explanatory of the objects and duties of the office, describing the persons most fitting to be appointed, and earnestly urging those who undertook it to labour diligently and conscientiously in fulfilment of what is required from them.

James the First appears to have set about correcting the habits of his new subjects immediately he arrived among them; and the legislature were extremely active throughout his first parliament on a variety of domestic matters, to a few of which I will very briefly advert, as illustrative of the character of the period, and the prevalent condition of the people.

The 1st James 1st, cap. 9, is 'An Act to restrain inordinate Haunting and Tippling in Inns and Alehouses.' It declares that the ancient and true use of inns, alehouses, and victualling-houses, was for the relief and lodging of wayfaring people, and for supplying the wants of persons who are not able to provide victuals for themselves; and not for entertainment of lewd and idle people, to spend their money and their time in lewd and drunken manner. Wherefore it is ordered, under a penalty of ten shillings for every offence, that no innkeeper, victualler, or alehouse-keeper shall "suffer any person to remain and continue drinking or tippling, other than such as shall be invited by any traveller during his necessary abode there; and other than labouring and handicraftsmen in cities and towns, upon the usual working days, for one hour at dinner-time to take their diet; and other than labourers and workmen which, for the following of their work by the day or by

1603-4. 1 James I., cap. 9.

Inns and alehouses.

the great, shall sojourn, lodge, or victual there;" and constables and churchwardens are subjected to a fine of forty shillings if they neglect to levy penalties on the offenders. The price of ale and beer is likewise fixed by this Act—the strong or best quality at a penny the quart, and the small or inferior quality at a halfpenny the quart; and a penalty of 20*s.* is imposed on every alehouse-keeper who charges more, or uses false or fraudulent measure.

1603-4. 1 James I., cap. 12. Against conjurations and witchcrafts.

The 1*st James* 1*st, cap.* 12, repeals the 5*th Elizabeth* against conjurations, enchantments, and witchcrafts, and then "for the better restraining the said offences, and more severe punishing the same," it enacts, "that if any person shall practise or exercise any invocation or conjuration of any evil and wicked spirits; or shall consult, covenant with, entertain, employ, feed, or reward any evil and wicked spirit; or take up any dead man, woman, or child, out of his or her grave, or the skin, bone, or any other part of any dead person, to be employed or used in witchcraft, sorcery, charm, or enchantment; or shall practise any witchcraft, enchantment, charm, or sorcery, whereby any person shall be killed, destroyed, wasted, consumed, pined, or lamed;" then every such offender, being thereof duly convicted, is to suffer death without benefit of clergy or sanctuary. And to the intent that all manner of witchcraft shall be utterly abolished, it is further enacted, "that if any person shall take upon him by witchcraft or sorcery to tell in what place treasure of gold or silver might be had, or where things lost or stolen should be found; or to provoke any person to unlawful love; or whereby cattle or goods of any person shall be destroyed, wasted, or impaired; or to hurt or destroy any person in their body, although the same be not effected;" every person so offending, and being thereof duly convicted, is to suffer imprisonment for one whole year, without bail

or mainprise, and once in every quarter is to stand for six hours on the pillory, and there openly confess his error and offence. For offending a second time he is to suffer death as a felon.

After this formal recognition of witchcraft by the legislature, it would of course be impossible for the nation to doubt its existence. A belief in witchcraft in some form or other has prevailed throughout the world from the earliest period, and the extinction of this belief may be regarded as one proof of advance in civilization and intelligence; but neither the sovereign nor his subjects at this time afforded such a proof: on the contrary, James himself was a firm believer in the "black Art," and wrote learnedly, if not wisely, on the subject, and his people were little behind him in credulity. Their fears may be measured by the severity of punishment which this Act inflicts upon persons convicted of practising witchcraft, which has probably helped to perpetuate the belief; for even now, absurd as it may be, there is not a county in Great Britain or Ireland in which the existence of witchcraft is not more or less credited.

Notwithstanding the regulations on the subject established in the last reign, the making of hats and caps is again forced on the attention of the legislature, and *The 1st James 1st, cap.* 17, directs, that none shall be permitted to make hats who have not served an apprenticeship of seven years to the trade, under a penalty of 5*l.* for every month he so transgresses; and aliens are prohibited, under a like penalty, from following the employment of hat-making. 1603-4. 1 James I., cap. 17.

A long statute of no less than fifty-two sections (*The 1st James 1st, cap.* 22) was now also passed "concerning tanners, curriers, shoemakers, and other artificers occupying the cutting of leather," on the ground that the former statutes on the subject "have been too sharp and rigorous, tying and binding the persons occupying the 1603-4. 1 James I., cap. 22.

several mysteries or trades aforesaid to divers inconveniences and sundry matters and things impossible for them to perform; by reason of which strictness and rigour the same statutes have not been put in execution, but have been in effect wholly dispensed withal." This failure, and the reasons assigned for it, ought to have been a warning, at that and all succeeding times, against attempting to regulate the details of trade and manufacture, which flourish best when left free from interference. The warning, however, was not taken, and an Act filling nine folio pages again prescribes what butchers, tanners, curriers, leathersellers, shoemakers, saddlers, girdlers, and searchers are to do, and what they are not to do, in the practice of their several callings. Nor did these Acts become a dead letter, since they remained and were enforced for many years.[j]

1603-4. 1 James I., cap. 29. For encouragement of the fisheries.

An Act was also passed (*The 1st James 1st, cap.* 29) professedly for upholding "the navy of England," of which, the preamble declares, "the fishermen of England have ever been the chiefest seminary and nursery." It enacts that no sick or infirm person shall eat any beef, veal, pork, mutton, or bacon, in the time of Lent, or upon any day now observed as a fish-day; and butchers are prohibited from killing beasts in Lent, except for the use of the navy; and justices are empowered to enter victuallers' houses and search for and seize meat during Lent, and distribute the same to prisoners and other poor folks at their discretion. It may perhaps be a question whether these prohibitions against eating flesh were altogether owing to "certain politic constitutions for the maintenance of the navy," as is asserted in the *5th Elizabeth*,[k] but it is certain that much attention

[j] In the Harleian Miscellany there is a charge to the grand jury at York in 1648, by Serjeant Thorpe, judge of assize, in which all these regulations are noticed as matters to be strictly observed.

[k] Ante, p. 174.

was at this time paid to the fisheries, which the restriction of the use of butcher's meat would no doubt tend to promote. With a like view of encouraging the fisheries, *The 1st James 1st, cap.* 23, had been previously passed "for the better preservation of fishing in the counties of Somerset, Devon, and Cornwall." It recites, that "the trade of fishing for herrings, pilchards, and seane fish within the above-named counties, is and hath been very great and profitable;" but that of late divers persons having lands adjoining the sea-coast, have brought actions of trespass against such fishermen, &c., "and have recovered against them costs and damages, to their great loss and expense." For remedy whereof, and for the maintenance of the profitable trade of fishing, it is enacted that fishermen, balcors, huors, condors, guiders, &c., may enter lands near fishing-places to watch for and draw fish on shore, any law, usage, or custom to the contrary notwithstanding.

1603-4. 1 James I., cap. 23.

The 1st James 1st, cap. 25, is for the most part a continuing statute, but its *2nd section* provides, when the price of wheat shall not exceed 26*s.* 8*d.* the quarter, and of rye, pease, and beans, 15*s.* the quarter, and of barley or malt 14*s.* the quarter, of current English money, "that then it shall be lawful for all the king's subjects to transport any of the said corns unto any foreign parts beyond sea, in vessels belonging to English-born subjects," paying an export duty of 2*s.* a quarter on wheat, and 16*d.* a quarter on all other grains. But the king is nevertheless empowered to prohibit all such export at any time by his royal proclamation, a necessary precaution at a period when the fluctuations in price and in produce were so great, and often so sudden.

1603-4. 1 James I., cap. 25.

Exportation of corn permitted.

The last Act of this session requiring notice is *The 1st James 1st, cap.* 31, "for the charitable relief and ordering of persons infected with the

1603-4. 1 James I., cap. 31.

plague." It recites that the inhabitants of divers places visited with the plague are unable to relieve the poorer sort of people; and that divers persons infected with that disease, and others inhabiting houses infected, when commanded to keep in their houses, "do notwithstanding very dangerously misdemean themselves;" and it is therefore enacted, that mayors, justices of the peace, and other head officers in cities and towns, shall have power to assess the inhabitants for the relief of the infected persons, and also that "the inhabitants of the county within five miles of the place infected shall be assessed in aid of any city or town, if it be found requisite. And "if any infected person commanded to keep house shall, contrary to such commandment, wilfully go abroad and converse in company, having any infectious sore upon him uncured, then such person shall be deemed a felon, and suffer death as in case of felony; but if such person shall not have any such sore found about him, then he is for his offence to be punished as a vagabond in all respects as is provided by the statute the 39*th Elizabeth*."[m]

The severity of these punishments shows the fearful nature of the evil, and the dread its visitations inspired. The population of London, and of the towns generally, had gone on increasing with the growing wealth of the country, and this at a ratio exceeding the increase of habitations. Hence the lower and working classes in London and other great towns were crowded into insufficient and unhealthy dwellings, so that, whenever disease or a tendency to disease from any cause occurred, it found objects prepared for its immediate reception, and fitted to cherish and disseminate the pestilence in its most virulent form. The 35*th Elizabeth, cap.* 6,[n] is especially directed against this evil of over-crowding, although the restriction it imposes on the erection of

[m] Ante, p. 180.

[n] Ibid. p. 180.

new buildings does not seem calculated to prevent the crowding of the old; but like this Act of James, it shows that the labouring population were pressing upon the towns, and that pestilence and misery were the consequence. Hence, probably, may also have arisen the dread which prevailed about this time of dispeopling the country districts, and the admonitions which James was in the habit of addressing to the gentry and others frequenting the metropolis, "to go reside on their estates, and attend to their farming."

The commerce of England at this time was nearly all centered in London, for, whilst the other ports of the kingdom only yielded 17,000*l.*, the customs of the port of London amounted to 110,000*l.*; but the trade was in the hands of a small number of persons, whose influence would therefore be proportionally great, and who, residing in the heart of the city, would naturally wish to keep danger at a distance, by preventing the influx of a larger number of labourers and people of that class than were immediately required, or than could be usefully employed.

The Parliament was summoned to assemble on the 5th of November, a day memorable for what is called the "Gunpowder Plot," which caused the actual meeting of Parliament to be deferred to the 21st of January following, when their first Act was to direct a public thanksgiving for the preservation of the king and parliament, and to order that prayers should be said yearly in every church on the 5th day of November. The discovery of this most atrocious plot on the eve of its execution—but for which, as the Act recites, "the King, the Queen, the Prince, and all the Lords Spiritual and Temporal, and the Commons, in Parliament assembled, would suddenly have been blown up with gunpowder"—excited intense alarm throughout the country, and produced its natural fruit in the imposition of penalties

1605. The Gunpowder Plot.

1605-6. 3 James I., cap. 1.

and restrictions on all persons professing the Roman Catholic religion.

The people had now become almost wholly Protestant, the Romanists being numerically insignificant compared with the entire population. It is true that many Protestants, and some of them men of great learning and exemplary character, were not in communion with the established Church; but their dissent from it was not so much, if at all, on essential points of doctrine, as on questions of Church government, and the less important matters of form and ceremonial, too much of which they averred had been retained at the Reformation. The great bulk of the people, however, belonged to the established Church. They had a part assigned to them in its services; they took their rule of faith from its teaching; and they regarded it as an essential part of the government, parochial as well as general, of their parish and of the country. This attempt to destroy at one blow the heads both of Church and Government could not therefore fail to excite the bitterest animosity and distrust, not in churchmen only, but in Protestants of every class, for each alike saw that the hostility of the Romanists was directed against all who differed from them, whether churchmen or dissenters, and that they would stop at nothing to accomplish their ends. The cry against Papists therefore became general, and there can be no doubt that they were for a long time afterwards exposed to much harassing oppression, the remembrance of "the Popish plot" keeping alive the hostile feelings to which it not unnaturally gave rise.

It has been stated by a high authority, that about this time the minds and habits of men throughout Europe, especially in England, had undergone a great and general change. Arts, both mechanical and liberal, were receiving constant improvements; navigation had extended itself over the whole globe; and the system of European politics was be-

Progress of improvement.

come more enlarged and comprehensive.[o] These ameliorations were closely connected with, if they did not immediately spring from, the Reformation, which had rescued England and a large portion of Europe from the depressing influences of papal domination. Protestantism was an agent of great power in bringing about improvement in the social condition of the people; and it is necessary that this, and the attendant circumstances, should not be overlooked in commenting on the legislation of the period.

The 3rd James 1st, cap. 11, after reciting the *1st James 1st, cap.* 25, by which exportation is permitted when the market price of corn does not exceed a certain amount,[p] goes on to declare that by exporting beer the customs and poundage will be much greater than when barley and malt are exported whereof the beer is made, and that the navy and mariners will be more increased, the tillage cherished, divers port-towns greatly comforted, many of his Majesty's subjects thereby employed, and the coopers and brewers better enabled to maintain themselves and their families. These are all, no doubt, cogent reasons for permitting the exportation of beer, and it is accordingly enacted that, when the price of malt does not exceed 16*s.* a quarter, beer may be exported on paying a duty of 10*s.* per tun. The reasoning in this Act shows some advance in sound commercial principles, and the desire manifested to increase the people's comfort, by extending the means of legitimate employment, is worthy of all praise.

1605-6. 3 James I. cap. 11.

Beer may be exported.

The 3rd James 1st, cap. 13, is entitled 'An Act against unlawful Hunting and Stealing of Deer and Conies;' and after stating that, by reason of the insufficiency of previous statutes, "many riots, manslaughters, mischiefs, and other inconveniences have

1605-6. 3 James I. cap. 13.

[o] See Hume's History, vol. vi. p. 21.
[p] See ante, p. 223.

been daily committed, and are like to be committed, if circumspect remedy be not hereunto provided"—it enacts, that if any person shall wrongfully break into any park or other grounds used for keeping, breeding, and cherishing deer or conies, and shall hunt, drive, or chase about, or take, kill, or slay any such deer or conies, against the will of the owner, he shall on conviction suffer three months' imprisonment, and pay treble the amount of damages and costs, and find sureties for his good behaviour for seven years after, or else remain in prison during that time. Qualified persons, having lands or hereditaments of the clear yearly value of 100*l.*, are empowered to take from unqualified persons (that is, persons not possessing lands or hereditaments of the clear yearly value of 40*l.*, or not worth in goods and chattels the sum of 200*l.*) any guns, bows, crossbows, buckstall or engines, hayes, gatenets, pursnets, ferrets, or cony dogs, which may be found in their possession. The king's fondness for hunting may have here had some influence. His inordinate devotion to field sports is noticed by all writers. It in fact amounted to a kind of passion, for the indulgence of which he often neglected the duties of his high station.

Killing deer, &c.

The qualification is in this Act put much higher than in the 13*th Richard 2nd*,[q] by which a layman possessing lands or tenements of the annual value of 40*s.*, and a priest or clerk having 10*l.* a year, were held qualified to keep dogs, &c., for taking game. The limit now is raised to 40*l.* a year, instead of 40*s.*, and persons possessing 100*l.* a year are empowered to take their guns, dogs, nets, &c., from all who are not thus qualified. The raising the qualification from 40*s.* to 40*l.* may be taken as proof that wealth had vastly increased during the last two centuries, and that, with this increase, a desire had grown up in the people for

[q] Ante, p. 60.

the enjoyment of field sports. The facility for transgressing the law must, in the then comparatively open and unenclosed state of the country, have been very great; and yet probably not greater than when, as has more recently been the case, preserves were kept so thickly stocked with game as to make the temptation to invade them almost too strong to be resisted.

With respect to game, as in other instances, the first breach of the law is very apt to lead to others. A man begins with poaching, and ends with felony. But in his progress between the two he does not move singly. His example influences others; sons, brothers, companions, friends, accompany him to the woods, partaking of the danger, and participating in its fruits; for poaching is in truth a species of warfare, fraught with peril and uncertainty, and hence perhaps much of its attraction to the adventurous rustic. A day of steady labour will bring a certain, however small, remuneration,—a night spent in poaching may possibly yield a large reward. In one case there is certainty positive and definite—in the other there is room for hope; and it is needless to say that men of active, ardent, sanguine temperaments will be apt to give a preference to the latter; and of such men, poachers do, and ever have, for the most part consisted. To bring such persons within the limits of social order, and array them on the side of the law, should be a chief object in legislation; but the game-laws, by seeking first to create, and then to protect, a species of property scarcely recognised as such, and hardly susceptible of protection, have from their very origin to the present time had a contrary tendency; and by the imposition of restrictions and severe penalties, under circumstances presenting great facilities for evading, and great temptations to commit a breach of the law, have served to generate a spirit of resistance to lawful authority, and consequently tended to the demoralisation of the people.

The game-laws.

The parliament reassembled in November, and its first Act was *The 4th James 1st, cap.* 1, 'For the utter Abolition of all Memory of Hostility between England and Scotland, and for the repressing of occasions of Discord and Disorders in time to come.' Various old statutes were repealed, and new enactments established, with the view of promoting a good feeling and free intercourse between the two countries. Their entire union was ever a leading object with James, and the steadiness with which he pursued it is a favourable instance of his judgment. He saw that if united the countries would be strong, whilst disunited they would both be comparatively weak. His conduct, however, was on this, as on many other occasions, calculated to produce results the reverse of what he intended; for he gathered so many of his northern countrymen about him, and was so injudiciously profuse in the gifts he bestowed upon them, that he made his new subjects of the south jealous and discontented, and thus perhaps helped to separate, rather than to approximate, the people of the two kingdoms, the sovereignty of which was united in his person.

1606-7. 4 James I., cap. I.

Shortly after the above, *The 4th James 1st, cap.* 5, was passed for repressing the odious sin of drunkenness. The preamble recites that the loathsome sin of drunkenness has of late grown into common use, and that it is "the root and foundation of many other enormous sins, as bloodshed, stabbing, murder, swearing, fornication, adultery, and such like, to the great dishonour of God and of our nation, the overthrow of many good arts and manual trades, the disabling of divers workmen, and the general impoverishing of many good subjects, abusively wasting the good creatures of God." A penalty of five shillings is then imposed on all persons convicted of drunkenness, leviable by distress if not paid within a week; and if the offender shall not be able to pay the penalty, he is

1606-7. 4 James I., cap. 5.

to be committed to the stocks, there to remain the space of six hours for every offence. This statute is an extension of the 1st James 1st, cap. 9,[r] and it possibly may have had some effect in checking an evil, the consequences of which it so well describes.

These enactments against drunkenness no doubt evince much regard for the moral well-being of the people; but a more effectual preventive of this and other low sensual habits would have been found in the diffusion of education, and the spread of intelligence. The time, however, had not arrived for resorting to such a remedy. Repression was a more obvious and easy process. Punishment might be immediately applied. But to raise the moral perceptions and social habits of a people, required an amount of patient persevering effort, which neither James nor his parliament was prepared to exercise. After an interval of seventeen years, the vice of drunkenness was again denounced by *The 21st James 1st, cap. 7*, which, after reciting and continuing the two previous statutes, enacts that the testimony of one witness, or the confession of the party himself, shall be sufficient for conviction; and also that a justice of peace, or the head officer in a city or town corporate, may on his own view convict an offender and enforce the penalty, and on a second offence may require surety for future good behaviour. It is not unlikely that the legislature may have sought, by these repeated enactments against "this odious and loathsome sin," to counteract the example of the court, where great riot and excess prevailed. The king himself not unfrequently indulged too freely in drinking, and his courtiers would of course not be behind him in this respect. On the occasion of the visit of his brother-in-law, the King of Denmark, about this time, the feasting and carousing are described as having been carried to

[r] See ante, p. 219.

a disgusting excess, and are said not to have been confined to the men, but to have extended to the ladies of the court, and even to the queen herself. It is difficult at the present day to give credence to such statements, yet they are so well authenticated as not to admit of reasonable doubt.[8]

1607. Riots of the "Levellers."

In the summer of 1607 riotous assemblages took place in the counties of Warwick, Leicester, and Northampton, avowedly for the purpose of demolishing enclosures. It was at first supposed that these assemblages were in some way connected with the designs of the Roman Catholics, and considerable alarm for a time prevailed; but it soon appeared that the sole object of the rioters was to level the fences, and lay open lands which had been recently enclosed, and hence they took the name of "Levellers." Much sympathy was manifested for them wherever they came, the popular feeling being generally strong against enclosures of common and waste lands, a proof that agriculture was then in a backward state. The rioters committed no act of violence, except levelling the fences, and were easily suppressed; but certain of their leaders suffered death for the part they had taken in this insurrection.

The parliament was prorogued in July, and an interval of nearly two years and a half elapsed before it was again assembled, when one of its earliest Acts was *The 7th. James 1st, cap.* 3, providing for the right application of money given for apprenticing poor children. The preamble recites that great sums of money have already been given, and that more is likely to be given in future, to be continually employed in binding out the poorest sorts of children as apprentices to trades and needful occupations, which "hath brought great profit unto those cities, towns,

1609-10. 7 James I., cap. 3.

[8] See Lingard's 'History of England,' vol. vi. p. 78.

and parishes, where the said moneys have been so employed;" and but for which such children would be brought up in idleness, "to their utter overthrow, and the great prejudice of the common wealth." Therefore, in order that other well-disposed people may "be encouraged in bestowing money to the same good and godly purposes," it is enacted that all sums of money so given shall for ever continue to be used and employed for such purposes only, and that corporations in cities and towns corporate, and in parishes and towns not corporate the parson or vicar, together with the constables, churchwardens, and overseers of the poor for the time being, "shall have the nomination and placing of such apprentices, and the guiding and employment of all such moneys as are so given for the continual binding forth of such apprentices;" and a penalty of 3*l.* 6*s.* 8*d.* is imposed on parties refusing or neglecting their duties in this respect. Masters are required to give security for returning the money at the expiration of the apprenticeship, or in case of the death of the apprentice or the master; so that the *use* of the money advanced, and the services of the apprentice, are the master's only reward. There is no absolute payment with the apprentice, and the capital contributed by "well-disposed people" will remain under the control of the trustees, to be placed out and returned, from time to time, as occasion requires. This statute is calculated to assist the putting out of poor children to useful occupations, and the amount of the charitable bequests for that purpose soon became very considerable; but, like other benevolences of a like nature, these bequests have in the course of years been greatly abused.

Bequests for apprenticing poor children.

The above Act was immediately followed by that of *The 7th James 1st, cap.* 4, 'For the due execution of divers Laws and Statutes heretofore made against Rogues, Vagabonds, and Sturdy

1609–10. 7 James I., cap. 4.

Beggars, and other lewd and idle Persons.' After reciting that "divers good and necessary laws have been made for providing houses of correction for the suppressing and punishing of rogues and vagabonds, and other idle, vagrant, and disorderly persons, which laws have not wrought so good effect as was expected, as well for that the said houses of correction have not been built, as for that the said statutes have not been duly and severely put in execution"—it directs that all such laws shall be duly executed, and that houses of correction shall be provided in every county, "with convenient backside thereunto adjoining, together with mills, twines, cards, and such-like necessary implements to set the said rogues, &c., on work;" and if in any county no such house of correction shall be provided by Michaelmas of the following year, the justices of the county are each to forfeit the sum of 5*l.* Governors are to be appointed to these houses, with authority to set such rogues, vagabonds, and idle persons as may be brought thither to work and labour, and to punish them by putting fetters or gyves upon them, and by moderate whipping; and these rogues, vagabonds, and disorderly persons are moreover "in no sort to be chargeable to the county for any allowance, either in bringing or in going forth, or during the time of their abode there," but are to have such and so much allowance only as they shall deserve by their own labour and work.

Houses of Correction for the punishment and setting to work of rogues, vagabonds, and idle and disorderly persons.

The justices are further directed to assemble twice in every year at the least, within their several divisions, and oftener if there be occasion, and cause to be made "a general privy search in one night within their said hundreds, towns, villages, and hamlets, for finding out and apprehending rogues, vagabonds, wandering and idle persons," who are to be brought before the justices to be examined, and there punished, or else sent to the

house of correction; "and the constables and tithingmen of every hundred, parish, town, village, and hamlet, are to appear before the justices at their said assemblies, and there give an account upon oath in writing, and under the hand of the minister of every parish, what rogues, vagabonds, and wandering and disorderly persons they have apprehended, and how many have by them been punished, or otherwise sent to the house of correction." Lewd women, having bastards chargeable, are directed to be committed to the house of correction, there to be punished and set to work during the term of one whole year, and persons deserting their families are to be deemed and punished [illegible]gible rogues.

[illegible] portion of this statute requires to be [illegible]ly noticed. The *8th section* recites, "that many wilful people, finding that they, having children, have some hope to have relief from the parish wherein they dwell, and being able to labour and thereby to relieve themselves and their families, do nevertheless run away and leave their families upon the parish;"—for remedy of which it is enacted, that all such persons so running away, shall be punished as incorrigible rogues. And it is also further enacted, "that if either such man or woman, being able to work, shall threaten to run away and leave their families as aforesaid, the same being proved by oath of two witnesses before two justices of peace, the said persons shall be sent to the house of correction (unless he or she put in sufficient sureties for the discharge of the parish), there to be dealt with and detained as a sturdy and wandering rogue." Ten years had not yet elapsed since an efficient measure for the relief of the poor was established, and yet we see attempts were already made to pervert it into a means of evading the natural duty of parents to provide for their offspring. The effort thus early made by the legislature to arrest and punish such

Desertion of families.

attempts, shows how closely the working of the new law was watched, and with what promptitude a remedy was sought to be applied whenever an abuse became apparent. The remedy provided in this case was probably to some extent effective, but the evil has continued more or less to prevail, and is perhaps only to be prevented by the better moral and religious instruction of the people, more especially those of the lowest grade, by whom such an abuse of the law is alone likely to be attempted.

The *7th James 1st, cap.* 4, is doubtless an important Act. It shows, among other things, how effective the local organization had then become. Not only were the justices to assemble, at stated periods, within [redacted] sions, for the repression of vagabondism and [redacted] but the several constables and tithing-men were required to attend and deliver written reports, authenticated by the minister of the parish. The parochial authorities must necessarily have been rising every year into greater importance since the passing of the *43rd Elizabeth*, by which so large an addition was made to their duties: and with the fulfilment of these duties there would be a general and increasing desire for local self-government, and a general and increasing competency for discharging its functions—which competency, it is generally admitted, has long formed a distinguishing characteristic of the English people.

Houses of correction.

The directions for providing one or more houses of correction in every county, as well for punishing the idle and disorderly as for setting them to work, is also a matter of much interest, especially with reference to subsequent legislation. The provision thus made by the present Act, was in fact a necessary addition to the great Act of Elizabeth: since needful relief to the destitute must often includ[e] shelter; and how could shelter be given, unless in some building provided for the purpose? Destitution

would, moreover, not unfrequently be accompanied—if, indeed, it were not caused—by riotous and disorderly habits, and the houses in which individuals bred in such habits are sheltered and relieved, would therefore of necessity be to some extent places of restraint, if not of actual punishment. This appears to have been the view of the legislature with respect to these "houses of correction," in which it was proposed to combine punishment and employment, the idle to be employed, the disorderly punished; and which were moreover intended to be in great measure self-supporting, the inmates being restricted "to such and so much allowance only as they shall deserve by their own labour." "Houses of correction" are first noticed in the 18*th Elizabeth, cap.* 3,[t] by which "one, two, or more abiding-houses" are directed to be provided in each county. They are again noticed in the 35*th Elizabeth, cap.* 7, by which land is permitted to be given for providing and maintaining "houses of correction or abiding-houses;" and by the 39*th Elizabeth, cap.* 5, certain impediments to the full exercise of this permission were removed, and the same power was extended, "with as great ease and little charge as may be," to "hospitals, maisons de Dieu, abiding-places, or houses of correction." From these beginnings sprang up, in the course of five-and-thirty years, the comprehensive provisions of this Act of James the First.

A new parliament assembled in April, 1614, and another on the 30th of January, 1621, which met again on the 20th of November in that year, after being twice prorogued, but no legislation took place until 1624. During this long interval of nearly fourteen years the struggle for determining the respective limits of the kingly and the popular powers was continued, and not without feelings of exasperation on both sides: New parliaments.

[t] Ante, pp. 171 and 190.

the king claiming an authority almost absolute, the parliament striving to confine it within constitutional limits. This struggle, with little intermission, prevailed throughout the whole of James's reign, without any abatement of pretension on his part; but, happily for himself and the country, he was more vigorous in speculation than in action, more bold in advancing claims than in enforcing them; and so the final contest was deferred to the reign of his successor, who had imbibed his father's high notions of prerogative, and in his efforts to establish them as the groundwork of his government lost his own life, and caused for a time the extinction of monarchy in England. These stirring events do not, however, fall so immediately within the scope of our present subject as to call for lengthened notice; but as they unquestionably had, both at the time and afterwards, an important influence on the condition of the people, some reference to them will be necessary as we proceed.

The king's improvidence and extravagance always kept him needy, and much of his ingenuity, or what he called "kingcraft," was exercised in devising means for supplying his daily wants. Parliament would not grant him subsidies, without his first making concessions, which would trench on what he considered his prerogative royal; and he seems to have made up his mind to dispense with parliaments altogether, and rely upon other means for meeting his necessities. Various expedients for raising money were resorted to. He restored the cautionary towns, mortgaged to Elizabeth by the Dutch, on their paying him 250,000*l.* The enormous fines occasionally imposed by his court of the Star Chamber, replenished his exchequer from time to time. "It is said by Carte that some Dutch merchants paid fines to the amount of 133,000*l.* for exporting gold coin,"[u] and great reliance was placed on the so-called

[u] Hallam's 'Constitutional History,' vol. i. p. 336, 4to. edition.

benevolences, exacted on the king's sole authority. In short, no expedient was left untried for furnishing the king with the means of indulging his own expensive habits, and gratifying his needy favourites. But James's necessities at length compelled him, however unwillingly, again to have recourse to parliament, which met several times between January, 1621, and February, 1622, when it was again dissolved, without anything having been done, except an exposition of grievances by the Commons, and the assertion of high prerogative by the king. In these questions the people now began to take a lively interest, and the Commons, backed by popular support, were encouraged to press their demands with greater boldness and pertinacity.

At the end of two years, however, parliament was again assembled. It met in February, 1624, and its first Act was *The 21st James 1st, cap.* 1, entitled 'An Act for the erecting of Hospitals and Working-houses for the Poor.' It continues and makes perpetual the *39th Elizabeth, cap.* 5,[v] which is declared to be "a good law;" and it further enacts that the hospitals, houses of correction and abiding-places, erected or to be erected according to the purport of that statute, shall be incorporated, and have perpetual succession. We may presume therefore that the experience of their working since 1610 had shown that they were beneficial. The passing of the present Act affords a striking proof of the importance at this time attached to questions in any way affecting the poor, since, notwithstanding the excitement of the period, and the peculiar circumstances connected with the assembling of this parliament after so long an intermission, its earliest attention was given, and its first Act was directed, to this object.

1623-4. 21 James I., cap. 1.

Hospitals and working-houses for the poor.

The 21st James 1st, cap. 3, passed shortly after the pre-

[v] Ante, p. 190.

ceding, is entitled 'An Act concerning Monopolies and Dispensations.' The right of granting monopolies, patents, and dispensations, had been assumed and largely exercised by all the Tudor sovereigns; and towards the end of Elizabeth's reign the practice had been carried to such an extent, and become such a nuisance, that it required all the reverence felt for that great princess to keep the country quiet under the infliction. James, on his accession, persisted in exercising the same prerogative, notwithstanding the remonstrances and complaints to which it gave rise; and although negotiations on the subject had on several occasions taken place between him and the Commons, there had been no direct abandonment of this power, neither was it authoritatively abrogated, until the passing of the present Act. In the preamble, reference is made to a declaration of the king in 1610, "that all grants of monopolies, and of the benefit of any penal laws, or of power to dispense with the law, or to compound for the forfeiture, are contrary to his laws;" and it is then asserted that this declaration is truly consonant to the ancient and fundamental laws of the realm, but that nevertheless, upon misinformations and untrue pretences, many such grants had been obtained and unlawfully put in execution, to the great grievance of the people; and for preventing of the like in future, it is enacted that all licences and letters patent "for the sole buying, selling, making, or using anything within this realm," or against the tenour of any law or statute, and all proclamations tending to the furthering or countenancing of the same, are, and shall be, utterly void and of none effect. The passing of this Act was doubtless an important event, and must so have been regarded by the parliament and the people. The prerogative was now formally declared subordinate to law, and, by putting an end to these iniquitous monopolies and exclusive

1623-4. 21 James I., cap. 3.

Patents and monopolies abolished.

privileges, industry was released from shackles which had long cramped its efforts, and a future, free and untrammeled, was opened out to the active and enterprising of every class.

The 21*st James* 1*st, cap.* 6, is entitled 'An Act concerning Women convicted of Small Felonies.' It appears that women so convicted were not previously entitled to benefit of clergy, by reason whereof, it is said, "many women do suffer death for small causes;" and it is now enacted that any woman convicted of taking money, goods, or chattels, above the value of twelve pence, and under the value of ten shillings, in a like case as a man might have his clergy, "shall, for the first offence, be branded with a hot burning-iron upon the brawn of the left thumb with the letter T," and be further punished by imprisonment, whipping, stocking, or sending to the house of correction, in such sort and for so long time (not exceeding a year) as the judge or justices shall think meet, according to the quality of the offence. May not the removal of this unequal action in the law, by reason of which "many women do suffer death for small causes," be taken as indicating that respect for females was increasing with increasing wealth and civilization? Such would be a natural consequence of the spread of intelligence, as the want of such respect, and an undue depression of the female, may be looked upon as characteristic of ignorance and brutality.

1623-4. 21 James I., cap. 6.

Women convicted of "small felonies."

Two statutes were at this time enacted respecting *Wales*,—one, *The* 21*st James* 1*st, cap.* 9, entitled 'An Act for the Free Trade of Welsh Cloths;" the other, *The* 21*st James* 1*st, cap.* 10, repealing a statute of Henry the Eighth, which empowered the king, at his discretion, to alter the laws of Wales. This last statute recites that the Welsh people have been constantly loyal and obedient, and lived in all

1623-4. 21 James I., caps. 9 & 10.

dutiful subjection to the Crown of England; and after declaring that it is "manifest by long experience that the laws and statutes ordained for that country are in effect agreeable to the laws of England, and are obeyed with great alacrity," it enacts that the said branch of the statute of *Henry the 8th*, shall be repealed, and that neither the king nor his successors shall have power to change or make laws concerning the principality of Wales in future. The statute first named (*cap.* 9) recites that "The trade of making Welsh cloths, cottons, friezes, linings, and plaines hath been of long continuance, in the exercising whereof many thousands of the poorer sort of the inhabitants have been set on work in spinning, carding, weaving, fulling, cottoning, and shearing, whereby they not only maintained themselves and their families in good sort, but also grew to such wealth and means of living as they were thereby enabled to pay all duties, mizes, charges, subsidies, and taxations imposed or rated upon them for *the relief of the poor*, and for the service of the king and common wealth." And it then proceeds to abolish certain restraints exercised by the drapers of Shrewsbury over the dealings of their Welsh neighbours, who are thenceforth empowered to sell or barter freely to or with any persons at their pleasure.

State of Wales.

Both these statutes possess much interest. The one shows that the interval since Edward the First annexed Wales to the English crown in 1284, had served to remove former hostile feelings, and bring the two people into amicable relationship; so that it was determined to abolish every vestige of distinction between them. The fact noticed in the preamble of the other, shows that the poor-rate had now been established in Wales, and was deemed of so much importance as to be specially named in the recital, and that even before the contributions for the service of the king and com-

monwealth. Another instance of the growing importance of the Poor Law is shown in an Act passed at this time (*The 21st James 1st, cap.* 12), extending to churchwardens and overseers of the poor the protection of the *7th James 1st, cap.* 5, "for ease in pleading against troublesome and contentious suits, as fully to all intents, constructions, and purposes, as if they had been specially named therein." 1623–4. 21 James I., cap. 12.

In the same year "An Act against Usury" (*The 21st James 1st, cap.* 17) passed the legislature. It recites, that there was at that time "a very great abatement in the value of land, and other merchandises, wares, and commodities;" and that divers persons, as well the gentry as merchants, farmers, and tradesmen, had for their necessary occasions borrowed sums of money, &c., but that, by reason of the said general fall in the value of lands and the prices of commodities, "and the interest on loans continuing at so high a rate as ten pounds in the hundred, men are unable to pay their debts and continue the maintenance of trade, but are forced to sell their lands and stocks, and give over their leases and farms, to the great hurt and hindrance of the common wealth." This is followed by an enactment reducing the interest to *eight per cent.*, and declaring all bonds and contracts for a higher rate invalid; and that every person who shall take or receive a higher rate of interest, directly or indirectly, shall forfeit treble the value of the amount lent. Ten per cent. was no doubt a high rate of interest, but the price of capital, like other prices, is governed by its relative abundance or scarcity; and there cannot perhaps be a stronger proof of the increase of wealth in any country than a reduction of the rate of interest, where such reduction takes place through the operation of natural causes. In the present instance, the reduction to eight per cent. we see was forced; but it 1623–4. 21 James I., cap. 17. Rate of interest reduced to 8 per cent.

assuredly would not be maintained, unless the previous rate had been higher than circumstances warranted; and this was probably the case, although the extravagance in living then prevalent would be likely to lead to an excess in borrowing.

In the same session was passed *The* 21*st James* 1*st, cap.* 20, entitled 'An Act against Swearing and Cursing.' In its object this Act is similar to one passed in 1606 (3*rd James* 1*st, cap.* 21). It declares that "all profane swearing and cursing is forbidden by the word of God," and enacts, that if any person shall so do in the hearing of a justice of peace, or the mayor, bailiff, or other head officer of a city or town, or shall thereof be convicted on the oaths of two witnesses, "then every such offender shall, for every time so offending, forfeit and pay to the use of the poor the sum of twelve pence;" and the constable, churchwardens, and overseers of the poor are empowered to levy the same by distress and sale of the offender's goods. It is likewise directed "that this Act shall be read in every parish church by the minister thereof, upon the Sunday, after evening prayer, twice in the year." This reading of the Act in the churches seems well calculated for securing attention to its provisions, and is proof of an earnest desire to put an end to the vice of swearing. It may perhaps also be regarded, if not as a direct reflection on the king, at least as intended to counteract his example; for James is described as being an habitual swearer. When he gave his royal assent to this statute, he must therefore, one would imagine, have felt some twinge of conscience, unless indeed he took the lines of our great poet in their literal sense, and held—

1623-4. 21 James I., cap. 20.

Prohibition of profane swearing.

> "That in the captain 's but a choleric word,
> Which in the soldier is flat blasphemy."

The 21*st James* 1*st, cap.* 27, is styled, 'An Act to

prevent the murthering of Bastard Children.' We have seen that by the 18*th Elizabeth*, *cap.* 3,[w] the parents of bastard children are not only subjected to punishment for a breach of morality, but each is also compelled to contribute towards the maintenance of their child, failing in which they are to be committed to gaol: and these provisions are continued indefinitely by the 43*rd Elizabeth*, *cap.* 2. There are no means of ascertaining how far this enactment was effective in checking bastardy, but we may presume that it was so to some extent. It seems, however, to have caused an increase of, if it did not give rise to, another and a greater evil. The Act imposes penalties alike on both the parents, but the burthen would fall with most certainty and most heavily on the mother, which appears to have led to the practice of infanticide, now first noticed in the statutes, and for the punishment and prevention of which the present is enacted. It recites, "that many lewd women, to avoid their shame and to escape punishment, do secretly bury or conceal the death of their children, and after, if the child be found dead, the said women do allege that the child was born dead, whereas it falleth out sometimes (although hardly it is to be proved) that the said child or children were murthered by their lewd mothers, or by their consent or procurement." For preventing "this great mischief" it is now enacted, "that if any woman, being delivered of a live bastard child, shall endeavour by privately drowning or secretly burying, or any other way by herself or others to conceal the death thereof, as that it may not come to light whether it were born alive or not, in every such case the mother so offending shall suffer death, as in the case of murther, unless such mother can make proof, by one witness at the least, that the child (whose death was by

1623–4. 21 James I., cap. 27.

[w] Ante, p. 168.

her so intended to be concealed) was born dead." If this enactment should be thought to indicate a low state of morality at that time, it may, on the other hand, be said to afford proof of an increased regard for human life. The unnatural crime of infanticide has, it is probable, been always more or less practised, and it may be feared always will be so in some shape or other; but it is doubtless on every account an imperative duty to endeavour to prevent it, and this is the object of the present Act, which forms the groundwork of all subsequent legislation on the subject.

1623-4. 21 James I., cap. 28.

The 21*st James* 1*st, cap.* 28, is entitled 'An Act for continuing and reviving divers Statutes,' but it likewise contains important provisions on other matters. It totally abolishes the privilege of Sanctuary. It repeals the injudicious laws of Henry the Eighth, Edward the Sixth, and Elizabeth, for preventing the decay or letting down of houses, and for the increase of tillage; and it sanctions the exportation of corn when the prices in the home market do not exceed—wheat, 32*s.* the quarter; rye, 20*s.* the quarter; peas and beans, 16*s.* the quarter; and barley or malt 16*s.* the quarter. Wheat is subject to a custom duty on exportation of 2*s.* per quarter, and other corn to a duty of 16*d.* per quarter; but it is provided that the king may, at any time by proclamation, prohibit the exportation of corn.

Prices at which exportation of corn is permitted.

The prices at which exportation is thus permitted must be considered low, and as indicating, whenever they occurred, an abundant supply for home consumption. In the Windsor table of prices wheat is set down at 48*s.*, and malt at 23*s.* 4*d.* the quarter, in 1624, which prices appear to be about the average of the ten previous and of the ten succeeding years, a little above the first and a little under the last. But to bring these Windsor prices to the common or Winchester measure, one-ninth must be deducted, and this will give 42*s.* 8*d.*

the quarter for wheat, and 20*s.* 9*d.* for malt, therefore still leaving a large margin before exportation is permitted under the present Act. A proclamation had previously been issued for establishing public magazines, and empowering commissioners to purchase and deposit corn therein, whenever the prices fell below 32*s.* a quarter for wheat, 18*s.* for rye, and 16*s.* for barley. Very little wheat was at this time consumed by the lower orders of the people: their bread was mostly made of barley, as indeed is still the case in some parts of England, although wheaten bread is certainly the chief article of consumption by the working classes in the present day.[x]

If the above prices are compared with the prices below which corn was permitted to be exported in 1604, under the 1*st James* 1*st*, *cap.* 25,[y] it will be seen that a considerable rise had taken place in the intervening period.

In 1604 Corn might be exported when the price was below		In 1624 corn might be exported when the price was below	
Wheat . .	26*s.* 8*d.* per quarter.	Wheat . .	32*s.* per quarter.
Rye . . .	15 do.	Rye . . .	20 do.
Barley . .	14 do.	Barley . .	16 do.

It would seem, therefore, that in the course of twenty years there had been, on an average, a recognised advance of 5*s.* 4*d.* a quarter (or 20 per cent.) in the price of wheat; of 5*s.* a quarter (or 33 per cent.) in the price of rye; and of 2*s.* a quarter (or 14 per cent.) in the price of barley. A corresponding advance appears likewise to have very generally taken place in the money prices of other articles, indicating a progressive increase of wealth in the country. For

Advance in prices.

[x] Sir Frederic Eden (1797) remarks—"Potatoes, which are now used by the poor in every part of England, were in King James's reign considered as a great delicacy. They are noticed among the different articles provided for the queen's household. The quantity, however, is extremely small, and the price is 2*s.* the pound. In 1619 two cauliflowers cost 3*s.*, and sixteen artichokes 3*s.* 4*d.*, prices which would now be deemed extravagant."—*Sir F. Eden's State of the Poor*, vol. i. p. 152.

[y] Ante, p. 223.

upwards of a century the treasure of the New World had been flowing into Europe, and the continually-increasing commerce of England brought to her a continually-increasing portion of this treasure, which thus becoming more abundant, more of it was given in exchange for other commodities.

James's reign was now drawing to its close. He died on the 27th of March, 1625, at the age of fifty-nine. Of his character very conflicting accounts have been left us, and it was in fact a compound of contradictions, made up of high pretension and feeble action, of pedantic wisdom and practical folly. Its best feature, in connexion with our present subject and with regard to the condition of the people, was his love of peace, which uninterruptedly prevailed throughout his reign. For how much of this blessing the country was indebted to James himself, and how much to the high position the nation had attained under the wise and vigorous government of his predecessor, I will not stop to inquire. Peace was maintained for a long series of years, and the blessings attendant on peace flowed in upon the people. Population, wealth, industry, went on continually increasing, and the working classes were better employed, and obtained a larger amount of comforts in return for their labour, than at any former period. It is true that there were complaints of distress in particular places, and, when a new tax was imposed or subsidy granted, remissions were made to certain towns on account of the poverty and decay into which they were said to have fallen; but such partial distress, if it really existed, would not be inconsistent with a general state of prosperity and increase of wealth—a fact which the reduction of interest[z] may be taken as sufficiently proving, but which is further confirmed by a statement in Stow, describing the increase of com-

1625. Death of James I.

[z] See ante, p. 243.

merce about this time, and the building of great royal and mercantile ships, and the peopling of towns and villages, as being almost incredibly great.

At the end of James's reign, England may therefore be regarded as highly prosperous. Wales, we have seen, was "constantly loyal and obedient;"[a] and Scotland, although still a separate kingdom, was no longer a source of weakness, being now subject to the same crown as England; but the most gratifying circumstance of all was the improved state of Ireland. Ireland under James I. The policy perseveringly pursued by James with respect to that country, merits unqualified praise. It had been brought under subjection by Elizabeth,[b] but on her successor devolved the task of establishing law and order, and bringing the people to adopt civilized and industrious habits. The first step taken by James for the amelioration of Ireland was to abolish the old and barbarous customs, and establish a regular and well-administered system of English law, at the same time giving to the Irish people all the rights and privileges of free citizens. Justice was administered, crimes and disorders were punished, the separate jurisdiction of the native chieftains was suppressed, and no authority except that of the sovereign and the law permitted. The dues claimed from vassals were adjusted at a fixed amount, and further exactions by the nobles were prohibited under severe penalties. The province of Ulster was newly planted with settlers from England and Scotland, by means of a London company, and the native Irish were removed from their moun-

[a] See ante, p. 241.

[b] "A few weeks before the death of Elizabeth, the conquest of Ireland, which had been begun more than four hundred years before by Strongbow, was completed by Mountjoy. Scarcely had James the First mounted the English throne when the last O'Donnell and O'Neill who have held the rank of independent princes kissed his hand at Whitehall. Thenceforward his writs ran, and his judges held assizes, in every part of Ireland, and the English law superseded the customs which had prevailed among the aboriginal tribes." —Macaulay's 'History of England,' vol. i. p. 65.

tains and inland fastnesses, and placed in fixed habitations in the open country, where they were taught the art of husbandry, and kept from plunder and violence. Ulster thus soon became, instead of the most wild and disorderly, the most civilized and best cultivated province of Ireland. "Such," says Hume, "were the arts by which James introduced humanity and justice among a people who had ever been buried in the most profound barbarism." This was no doubt a great achievement, and all writers agree in giving the credit of it to James; and it is by his Irish policy, rather than by any other Act or circumstance of his reign, that he will be favourably remembered by posterity.

Notwithstanding all these favourable circumstances there was at this time a danger brewing, which, unless timely and judiciously met, would be likely to cause a serious explosion. A deep love of freedom had now spread throughout the country, and animated persons of every class. The commons, representing and largely participating in this sentiment, had during the latter of the present reign, and the latter portion of the preceding, been struggling; at first feebly, but with continually increasing earnestness, to obtain a full recognition of their own and their fellow-subjects' rights; but, with the exception of the late declaratory Act against monopolies,[c] no other measure of a satisfactory nature in this respect had been passed. It is true the Commons had asserted their right of impeachment, and remonstrated against the power assumed by the Crown of giving to proclamations the force of law; but they had not succeeded in establishing a clear, recognised, and co-ordinate authority in making laws and imposing taxes, on the possession of which their efficiency as representatives of the people would obviously depend. This great question, so important to

[c] See ante, p. 240.

the peace, contentment, and general weal of the whole community, was left to be settled in the following reign.

The population of England and Wales at James's accession has been estimated at five millions,[d] and by the end of his peaceful reign it probably fell little short of five millions and a half. 1625. Amount of the population. But the people had not only increased numerically, they had likewise advanced in intelligence, and risen to a higher appreciation of their position and duties as citizens and freemen. We can hardly doubt that this higher sense of public duty, this consciousness of what was due by them, and what they were entitled to claim as responsible beings, was nurtured by, if it did not originate in, the universal reading of the Scriptures, and the right of individual judgment in matters of religion established at the Reformation. The two or three generations which had since then arisen, were differently circumstanced from those which preceded them. They were no longer subjected to the rule of an [illegible]nt Church, cramping their energies and restricting their inquiries, but were left open to free research of [illegible] discussion, and to the elevating sense of their own responsibility. They had in short become a reasoning, religious, and self-reliant people, on whom the example of a court would have comparatively but little influence. Indeed the opportunity for such example was in the present instance very limited, for James never encouraged the congregating of persons about the court. He only wished for the society of his favourites and flatterers, with whom he could indulge without restraint. The nobility and gentry were often charged by him to return to the country, and attend to their estates. He told them that in London they appeared small like ships at sea, but in the country they would look large like ships in State of the country under James I.

[d] See ante, p. 198.

a river. Whatever were the habits of the court, therefore, they produced little effect on the mass of the people, except perhaps to excite feelings of disapprobation; and a spirit of independence, with a high sense of religion approaching to what is called puritanism, almost universally prevailed.

The rapid growth of London in the period under consideration is very remarkable. It is stated on the authority of Sir William Petty, that it doubled its population every forty years, and Strype remarks that, in the thirty years between 1603 and 1633, the annual number of christenings increased from 5458 to 9997.[e] Yet London was at this time almost entirely built of wood, and in every respect a mean unsightly town. The Earl of Arundel first introduced the practice of building with brick. But peace is ever favourable to trade, which, being then almost entirely centered in London, brought wealth in its train for the improvement of the metropolis. As yet, however, the Dutch far surpassed us in mercantile adventure, for they traded to England with six hundred ships, whilst England sent to Holland sixty only.[f] Shipbuilding was nevertheless extensively practised in England, and James himself does not appear to have been negligent in this respect, for he built ten new ships in the last five years of his reign, and expended 50,000*l.* annually on his navy. A Board of Trade was established in 1622; and an attempt was unsuccessfully made to introduce the growth of silk. A company was likewise formed for discovering the north-west passage, and a new charter was granted to the East India Company, which enlarged its stock, and increased the number of its ships, one of which was of the large burthen of 1200 tons. One of the most important events of

[e] Stow's 'Survey,' continued by Strype, book v. cap. 31.

[f] Hume's History (Appendix to the Reign of James the First), vol. vi. pp. 179-187.

James's reign, however, was the establishment of the American colonies, which, although commenced by Elizabeth, made no progress until a company, formed for that purpose in London and Bristol, began a settlement in 1606, after which other settlements were formed, and were maintained with heroic constancy, under the greatest sufferings and privations.

The Poor Law, although it received some valuable improvements in James's reign, does not appear to have been yet in full operation in every part of the country. Indeed it is asserted that there were places in which no rates were made for twenty, thirty, and forty years after the passing of the *43rd of Elizabeth*.

In a pamphlet attributed to Dekker, published in 1622, and entitled '*Grievous Groans for the Poor*,' it is stated that, "though the number of the poor do daily increase, all things yet worketh for the worst in their behalf; for there hath been no collection for them, no, not these seven years, in many parishes of this land, especially in the country towns; but many of these parishes turneth forth their poor, yea and their lusty labourers that will not work, or for any misdemeanour want work, to beg, filch, and steal for their maintenance, so that the country is pitifully pestered with them." This is too probably a correct represention, and it ought not to excite surprise that the law was thus in some places neglected, and in others, as we have seen, abused.[g] It must have required considerable time for the people in the various parishes to become acquainted with the details and objects of the law, and possibly a still longer period before they would generally become reconciled to the imposition of a poor-rate. The measure was new, and in some respects burthensome, and was certain to meet with disfavour, and not unfrequently to be evaded. But the evils which resulted

[g] See ante, pp. 234 and 235.

from a neglect of the law, as they are above detailed, ought to have been, and probably were, sufficient to secure its enforcement. It cannot be expected that a measure affecting so many persons of every class, and especially of the class which is the lowest in the social scale, will be altogether freed from difficulty, or be brought to work without some drawback; but the principle of the English Poor Law is so sound, and the law itself is so well adapted to meet one of the most urgent social wants, that it must ever be maintained, so far at least as to shield the community from the worst of the evils that would arise from its neglect or abrogation.

CHAPTER VI.

Accession of Charles I. — Observance of Sunday — Enactment against tippling — 'Petition of Rights' — Dread of Popery — Parish apprenticeship — Disuse of parliaments — Commission for relief of the poor, and punishment of rogues, &c. — 'Orders' and 'Directions' of the commissioners — Proclamations — Fasts — Sunday sports and pastimes — Ship-money — Disturbances in Scotland — The Long Parliament — Execution of Strafford and Laud — Tonnage and poundage — Poll-tax — Irish rebellion — 'Remonstrance of the State of the Kingdom' — The civil war — Population in 1660 — Proclamation of Charles II. — State of England during the Commonwealth and Protectorate — Colonization — Trade of Manchester in 1641 — Increase of London — Hackney coaches — A post established — Navigation Act — Reduction of interest — Improvements in agriculture — Woollen-trade — Price of wheat — Rate of wages — Comparison of wages and cost of subsistence — Constitutional principle established.

CHARLES THE FIRST was in his twenty-fifth year when he succeeded his father. The parliament assembled in June, but shortly afterwards adjourned to Oxford, on account of the plague, which had broken out in London and was raging with great violence, upwards of twelve hundred persons having died in one week. The king was urgent to obtain supplies; the parliament were resolute for redress of grievances; and thus the conflict of the last reign was renewed with increased earnestness. Charles inherited all his father's lofty ideas of monarchical authority, with greater determination and fixity of purpose. The Commons, urged on by public opinion, and supported by public sympathy, were become more united and more resolute. Under these circumstances we cannot wonder that the session proved short and unsatisfactory. The parliament was dissolved on the 12th of August, having assembled at Oxford on the 1st of that month.

1625–1649. Charles I.

1625. Parliament dissolved.

The first Act of this first parliament, affords proof of the strong religious feeling which then prevailed. It declares, that "there is nothing more acceptable to God than the true and sincere service and worship of Him according to his holy will, and that the holy keeping of the Lord's day is a principal part of the true service of God, which in very many places of this realm hath been, and now is, profaned and neglected by a disorderly sort of people, in exercising and frequenting bear-baitings, bull-baitings, interludes, common plays, and other unlawful exercises and pastimes." Wherefore it is enacted, that there shall be no meetings or assemblies of people for any sports or pastimes out of their own parish on the Lord's day, nor any bear-baiting, bull-baiting, interludes, common plays, or other unlawful exercises used by any persons within their own parishes, under a penalty of 3*s.* 4*d.*, leviable by distress, or in default punishment by the stocks. Another Act of this short parliament deserves notice, as exhibiting the spirit of the time. *The* 1*st Charles* 1*st, cap.* 4, 'For the further restraint of tippling in Inns, Alehouses, and other Victualling-houses,' recites the penalties against tippling, &c., enacted by the three statutes of the last reign,[a] and then extends the same "to all inn, alehouse, and tavern keepers and victuallers, that shall permit or suffer tippling contrary to the true intent of any or either of the said statutes." It is not unlikely that the passing of these Acts was intended as a covert kind of censure upon the late king, who had written a book in defence and recommendation of Sunday sports, and whose habits were calculated rather to encourage than discountenance tippling.

1625. 1 Charles I., cap. 1.

Bear-baitings, &c., prohibited on the Lord's Day.

1625. 1 Charles I., cap. 4.

The king's necessities soon compelled him to assemble another parliament—the unfortunate expedition to

[a] Ante, pp. 219, 230, and 231—1st James I., cap. 9; 4th James I., cap. 5; 21st James I., cap. 7.

Cadiz, undertaken chiefly with the not very honourable view of intercepting the Plate fleet, having exhausted all the money he could raise by writs of privy seal and other means, whilst a war with Spain, thus rashly commenced, necessarily brought upon him large additional demands. The new parliament met in February, 1626, and shortly afterwards proceeded to impeach the Duke of Buckingham, who was regarded by the nation as a chief cause of the existing evils. Charles came to the rescue of his favourite, and on the 15th of June dissolved this his second parliament, without any Act having been passed, and notwithstanding that the House of Peers petitioned for it to be allowed to sit longer.

1625. War with Spain.

1626. Parliament dissolved.

Having thus dismissed parliament, without obtaining any supplies, the king resorted to other methods for meeting the wants of his government. He levied contributions, imposed forced loans, commanded the seaport towns to furnish ships; and many persons who refused to contribute, were imprisoned. In some places resistance was made, and people shouted in the avenues of the Court, "A parliament, a parliament—no parliament, no money!" Yet, undeterred by the difficulties he encountered at home, Charles, under Buckingham's influence, and without any assignable reason, plunged into a war with France, in addition to that which he was waging with the whole Spanish monarchy, thus creating most serious difficulties abroad as well. The consequence was inevitable—his finances were speedily exhausted, and he was again compelled to call a parliament, which assembled in March, 1628, a number of gentlemen who had been imprisoned for refusing to pay the forced loan having been previously liberated. The House of Commons at its meeting was crowded, and the aggregate property of its members is said to have been above three times greater than that of the House of Lords—a proof

1627. War with France.

1628. A new parliament.

of the increase of wealth and of the importance attained by the third estate, who were henceforth destined to take a prominent part in the government of the country.

1628. 3 Charles I., cap. 1. Petition of Rights.

The first Act of this parliament was the celebrated "*Petition of Rights*," justly deemed a second Magna Charta. After many delays on the part of the Court, this important Act, by which personal liberty and the inviolability of property are secured, at length received the royal assent, to the great delight of the nation. This statute (*The 3rd Charles 1st, cap.* 1) does not call for particular comment in reference to our present subject. It is sufficient to notice it as an important incident in our national history.

1628. 3 Charles I., cap. 2. Strict observance of Sunday.

It appears that the religious feelings of the country, not satisfied with the prohibition of pastimes on Sunday, required a still stricter observance of that day than was then generally practised; and *The 3rd Charles 1st, cap.* 2, was accordingly passed, entitled 'An Act for the further Reformation of sundry Abuses committed on the Lord's Day.' By this Act, carriers, waggoners, wainmen, and drovers, were prohibited from travelling on a Sunday, under a penalty of 20*s.*; and butchers were prohibited from killing or selling victuals under a penalty of 6*s.* 8*d.*, to be levied by distress and applied to the use of the poor.

1628. 3 Charles I., cap. 3. Against sending children to foreign parts to be educated.

With increased zeal for religion, the people appear to have felt an increased jealousy of popery. The queen was a Roman Catholic, which probably tended to strengthen this feeling; and *The 3rd Charles 1st, cap.* 3, was passed "to restrain the sending of any to be popishly bred beyond the seas." The Act recites, that "divers ill-affected persons to the true religion established within this realm, have sent their children into foreign parts to be bred up in popery, notwithstanding the

restraint thereof by the statute made in the first year of the late reign;" [b] and it then enacts that persons so offending shall, on conviction, be disabled from suing in the courts of law or equity, and forfeit all their goods and chattels absolutely, and all their lands for life. This must have been a great hardship on the Roman Catholics, and that it should have passed at a time when the desire for freedom and self-government was so strong, can only be accounted for by the intense dread and hatred of popery then felt by the people of every other religious denomination.

The 3rd Charles 1st, cap. 5, is entitled 'An Act for Continuance and Repeal of divers Statutes.' Among these, the *43rd Elizabeth, cap.* 2, and the *1st James 1st, cap.* 25, are continued, with an additional provision respecting apprentices, namely, "That all persons to whom the overseers of the poor shall bind any children apprentices, may take, receive, and keep them as apprentices; and also that the churchwardens and overseers of the poor may, by and with the consent of two justices, set up, use, and occupy any trade, mystery, or occupation, *only for the setting on work and better relief* of the poor of the parish, town, or place, of or within which they shall be churchwardens or overseers." This provision was intended to afford a double remedy, first, against the exclusive privileges of particular crafts and trades as regards the apprenticing of poor children, and, secondly, against parish officers setting up any trade, except as a means and for the purpose of better relieving the poor. With respect to the latter provision, it is not improbable that churchwardens and overseers, in a mistaken zeal for the interest of their parish, may in some instances have applied the poor-rates to establish manufactures, with a view to profit

1628. 3 Charles I., cap. 5.

Parish apprentices and parish labour.

[b] Ante, p. 213.

by pauper labour, instead of doing so "only for the setting on work and better relief of the poor;" and the prohibition of such a practice was therefore necessary, and highly proper.

This was the last Act of the present parliament, except the one granting a supply of five subsidies, to which the Commons were pledged on the king's assenting to the "Petition of Rights." But a remonstrance was prepared, setting forth the evils which afflicted the country, and accusing the Duke of Buckingham as the chief cause; and declaring also that levying the duties of tonnage and poundage without consent of parliament, was a violation of the Bill of Rights, and the ancient liberties of the people. The king, alarmed at these proceedings, and wishing to screen his favourite, suddenly prorogued the parliament, and immediately afterwards several members were committed to prison. In the following January parliament reassembled. The failure of the Rochelle expedition, and other causes, had excited strong feelings of anger and disappointment, the whole weight of which fell upon the king, now that Buckingham was gone.[c] The Commons forthwith entered upon a consideration of grievances, in which they persevered, notwithstanding repeated royal messages urging them to proceed with a supply. After long debates, and much angry recrimination, ending in a scene of great confusion, during which the doors were locked, and the speaker was forcibly held in his chair, that a protest might be passed, the House adjourned on the 2nd of March until the 10th, on which day parliament was dissolved—the king, in his address on the occasion, bestowing praise upon the Lords, but severely censuring the Commons; and nine of the members who had been active in framing

1628. Parliament prorogued, and several members imprisoned.

1629. The parliament dissolved, and nine members committed to the Tower.

[c] He was assassinated at Portsmouth, by Felton, on the 23rd of October, whilst preparing an expedition for the relief of Rochelle.

the protest were committed to the Tower, and subjected to heavy fines. Thus ended Charles's third parliament, leaving the country more uneasy and discontented, and the government in a more unsatisfactory position, than before.

Charles now appeared determined to govern without a parliament, and in fact none was assembled for nearly twelve years, when the Long Parliament, the last of this reign, met in 1640. He now, by his sole authority, set about establishing and increasing the revenue. The duties of tonnage and poundage were strictly levied, the rates on several descriptions of merchandise were augmented, the goods of the refractory were distrained for immediate payment, and commissioners were appointed to confirm defective titles on payment of certain fines to the Crown. Considerable sums were raised by granting monopolies, the practice of granting which had, on the earnest remonstrance of parliament, been prohibited by the 21*st James* 1*st*, *cap.* 3;[d] and heavy fines were extorted for neglect of proclamations. The late king had, by proclamation, forbidden the erection of new buildings in London; but this proclamation was disregarded as being contrary to law, and new buildings continued to be everywhere erected. The owners were now summoned, and some were amerced, and others compounded by paying the value of three years' rent, and an annual fine to the Crown for ever.[e] The courts of High Commission and Star Chamber likewise greatly extended their jurisdiction, imposing heavy fines, and inflicting severe and cruel punishments, to the great terror and alarm of the people. All these proceedings were regarded as indicating the king's determination to place himself above the law, and to govern by his own sole and absolute authority.

The king governs by his sole authority.

[d] Ante, p. 240.
[e] Lingard's 'History of England,' vol. vi. p. 300.

Charles was now for the most part guided by Laud in matters connected with religion, and by Strafford in matters of civil government. These two generally acted in concert, both alike endeavouring to elevate the royal prerogative, and to put down constitutional liberty; and against them, therefore, public indignation was chiefly directed. They were both men of eminent talent, especially Strafford; but, misled by ambition, they both, in their zeal for the crown, forgot the duty which as citizens they owed to their country. Much of the violence and misgovernment which took place in the interval between 1628 and 1640 may fairly be attributed to them, although the king's exalted notions of his own prerogative, and his low estimate of popular rights,[f] might too probably have led him into like courses without their aid and counsel.

Laud and Strafford.

Amidst these struggles and contentions there was little leisure for attending to the condition of the people. Yet the king in 1630 issued a commission under the great seal to the lords and others of his privy council, "for putting in execution the laws for the relief of the poor, &c.," which commences by declaring that divers good laws and statutes have been made for the charitable relief of aged and impotent poor people, and for apprenticing youths in honest and profitable trades, and for setting to work idle persons, who wander up and down begging, or maintain themselves by filching and stealing. And it is then asserted that the defective execution of the said good laws, is owing to neglect of duty in some of the justices of peace and other officers; which neglect, it is said, arises from this, that little or no penalties are inflicted upon justices and others for not performing their duties, and partly also from their

1630. Commission issued by Charles I. for relief of the poor, and punishment of rogues and vagabonds.

[f] See Hume's 'History of England,' vol. vi. p. 224; and Hume was not disposed ever to take an unfavourable view of Charles's conduct.

holding those under them in awe by their power and authority, so that no complaints are made, and they are grown secure in their negligence, and the said laws are little regarded—" all which," the commission proceeds, " we, taking into our princely care, and after long and mature deliberation, find no better means to have the said laws put in full execution than by committing the oversight thereof to the special care of certain persons of principal place and dignity near unto our person." Ample powers are then given to the persons named in the commission " to inquire and inform themselves how all and every the laws and statutes which any way concern the relief of the impotent poor, the binding out of apprentices, the setting to work of poor children and such other poor people as, being able or willing to work, have no stock or means to employ themselves; the compelling such lazy and idle persons to work, as, being able and strong, do, nevertheless, refuse to labour; the maintenance, government, and well-ordering of houses of correction, and other places for relief of poor, indigent, and impotent people; the rating, collecting, and employment of such sums as by the 43*rd of Elizabeth* are appointed for the relief of soldiers and mariners; the punishment or setting on work of rogues and vagabonds; and all laws now in force for the repressing of drunkenness and idleness, the reforming abuses committed in inns and alehouses, the keeping of watches and wards duly, and how other public services for God, the king, and the commonwealth, are put in practice and executed."[g]

[g] The commission is dated the 5th of January in the sixth year of Charles's reign, and it is accompanied by a schedule of orders and directions, under twenty heads, for guidance of the commissioners and others acting under it, and the whole appears to have been immediately circulated in a printed form. That which I have here used was printed by Robert Barker, the king's printer, in 1630, with the following title-page:—'Orders and Directions, together with a Commission, for the better administration of Justice, and more perfect Information of his Majesty how and by whom the Laws and Statutes tending to the Relief of the Poor, the well ordering and training up of Youth in Trades, and the Reformation of Disorders and disordered Persons,

A large field of action and inquiry is thus opened to the commissioners, and they were armed with sufficient powers for the purpose, being authorised to call for such assistance, and to give such directions and instructions to justices of assize, and all other persons, as they deemed necessary for carrying the laws into effective operation; and also to appoint deputies or assistants, and to impart to them the same powers with which they themselves were armed. In this respect, and in its general scope and bearing, the commission issued on the present occasion by Charles the First, bears a marked resemblance to the commission appointed two centuries afterwards for carrying into effect the provisions of the Poor Law Amendment Act. The object of both commissions was to prevent a lax, faulty, and partial action on the part of the local authorities, and to secure an effective administration of the law through the country; for which purpose the commissioners were in both cases empowered to appoint assistants, and to give them full authority to act in their behalf. It thus appears that a similar want led to the application of a similar remedy at two very distant periods, and in which periods, moreover, the circumstances of the country were widely different.

The orders and directions issued by the commissioners in 1630, afford considerable insight into the state of the poor at that time, as well as into the local organisation for administering the law; and such portions of them as immediately bear upon these points are therefore here inserted. The ORDERS apply to justices and other high functionaries. The DIRECTIONS are of general application.

It is *ordered*—" that the justices of peace of every shire do divide and allot amongst themselves, what

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are executed throughout the Kingdom; Which his Royal Majesty hath commanded to be published and inquired of by the Body of his Privy Council, whom he hath made principal Commissioners for this purpose.'

justices and what hundreds shall attend monthly at some certain place of the shire. And at such time and place the high and petty constables, churchwardens, and overseers of the poor of those hundreds shall attend, and there inquiry shall be made and information taken by the said justices, how every of these officers in their several places have done their duties in the execution of the laws mentioned in the commission annexed, and what persons have offended against any of the said laws. Where neglect or defect is found in any of the said officers in making their presentments, condign punishment is to be inflicted upon them by the justices according to law; and for encouragement to men that do inform and prosecute others for offending against these laws, liberty is left to the justices to reward the informer or prosecutor out of part of the money levied upon his or their presentment or information. The several justices of peace of every shire are, once every three months, to certify an account in writing to the high sheriff of the county of their proceedings in this way—whom they have punished, what they have levied, and how they have employed it; and the high sheriff, within fourteen days after this account is delivered, is to send it to the justices of assize for that county, who are to certify the same in the beginning of the next term to the lords commissioners; and if any of the justices of peace shall fail to make such account to the sheriff, then the sheriff shall certify such default to the lords commissioners. The justices of assize are, moreover, in every circuit to inquire, and specially to mark, what justices of peace are careful and negligent in execution of these laws and the directions given, and who are negligent and remiss. And what other things of note happen in their circuits they are to make report thereof to the king, upon their return from their circuits, every half-year."

1630. The Commissioners' "*orders.*"

It is *directed*—" that the lords of manors and towns take care that their tenants, and their parishioners of every town, may be relieved by work or otherwise at home, and not suffered to straggle and beg up and down in their parish. That the poor children in every parish be put forth apprentices to husbandry and other handicrafts, and money raised for placing them according to the law; and if any person shall refuse to take the said apprentice, being put out according to the law, such person shall be bound over to the next quarter sessions or assizes, and there be bound to his good behaviour, or otherwise ordered as shall be found fit. That the weekly taxation for relief of the poor, and other purposes mentioned in the 43*rd Elizabeth*, be, in these times of scarcity,[h] raised to higher rates in every parish than in times tofore were used, and contributions had from other parishes to help the weaker parishes, especially from those places where depopulations have been, some good contribution to come for help of other parishes; and where any money or stock hath been or shall be given to the relief of the poor in any parish, such gift to be no occasion of lessening the rates of the parish. And because it is found by daily experience that the remissness and negligence of petty constables is a great cause of the swarming of rogues and beggars, therefore the high constables in their several divisions are specially charged to look unto the petty constables, that they use diligence in their offices; and the high constables are to present unto the justices the defaults of the petty constables, for not punishing the rogues,

1630. The Commissioners' "*directions.*"

[h] At the king's accession, in 1625, the price of wheat in Windsor market, according to the Eton Tables, was 52*s.* a quarter. In 1630, the date of these "orders and directions," the price recorded is 55*s.* 8*d.*; but for the following year, 1631, it is 68*s.*, which is considerably higher than it had ever been since the commencement of these Tables in 1595, or than it reached for sixteen years subsequently. A ninth must be deducted from these prices to bring them to the standard or Winchester measure.

or not presenting those that are the relievers of the rogues and beggars, the law inflicting a penalty upon constables for not punishing them, and upon such as shall relieve them. If in any parish there be found persons that live out of service, or that live idly and will not work for reasonable wages, or live to spend all they have at the alehouse, those persons are to be brought by the constables to the justices at their meetings, there to be ordered and punished as shall be found fit. The correction houses in all counties are to be made adjoining the common prisons, and the gaoler made governor of them, that so he may employ to work prisoners committed for small causes. No man is to harbour rogues in barns or outhouses; and wandering persons with women and children are to give an account to the constable, or to a justice of peace, where they were married, and where their children were christened; for these people live like savages, neither marry, nor bury, nor christen, which licentious liberty make so many delight to be rogues and wanderers."

These "ORDERS," and "DIRECTIONS,"[1] appear generally well calculated for their object. It would seem indeed that nothing could have been better devised than the commission itself, and the whole of its proceedings, as far as they can now be traced, for securing an effective administration of the law. Whether the king could legally issue such a commission, and clothe it with such powers, may be questioned; but Charles appears to have been determined at this time to govern by his sole authority, and to give to his proclamations the force of law. This is shown in the above "*orders*," any failure in the execution of which subjects the offender to punishment.

[1] They are taken from Sir F. Eden's 'State of the Poor,' vol. i. pp. 156 and 160, where the Orders and Directions are given at length, although no mention is made of the Commission whence they issued.

A proclamation was at this time likewise issued prohibiting the erection of houses in London and Westminster, or within three miles thereof, and also forbidding the entertainment of additional inmates in houses already existing, in order to prevent "the multiplying of the inhabitants to such an excessive number that they could neither be governed nor fed." And not long afterwards, another proclamation was directed against the practice of the nobility and gentry residing in London, which it was asserted led to ruinous excess in their expenditure, and the impoverishment of their counties; and was moreover the means of drawing great numbers of loose and idle people to London, by which the price of provision is enhanced, and the poor-rates are increased. Such at least were the reasons assigned for issuing these proclamations.

1630. Proclamation against the erection of houses in London and Westminster.

In the same year (1630) another proclamation, professing to be for preventing the dearth of corn and victuals, was addressed to the inhabitants of London and Westminster, with the following preamble: "Whereas, by an ancient and laudable custom, no suppers were wont to be kept on Fridays, or the eves of feasts commanded to be fasted, nor upon Wednesdays or Saturdays in the Ember weeks and time of Lent, but a general abstinence from suppers on those nights; and the same course is to this day for the most part observed, not only in his Majesty's most honourable household, and in the families of most of the nobility and great men of the kingdom, but also in the inns of court and chancery, and in the colleges and halls of both universities, and all other public places of good order, and in the houses of many knights and squires that are most commended for good housekeeping according to the ancient manner of England, for which this realm hath hitherto been so much honoured. Howbeit that

1630. Proclamation for preventing the dearth of corn and victuals.

Suppers not to be eaten on Fridays and fasting nights.

good and laudable custom is daily more and more neglected and broken, especially in taverns, inns, and other victualling-houses, where commonly there is more waste and excess on the fasting nights than in any time of the week besides." Wherefore his Majesty straightly charges and commands that this ancient and laudable custom be strictly observed in all "taverns, inns, ordinaries, houses of dicing and play, cooks' houses, and other victualling-houses, and that no suppers be, in any of them, had, dressed, or eaten upon any the fasting-nights aforesaid;" and his Majesty further "commands the same to the rest of his subjects in their private families in this time of scarcity, and that they would employ a portion of what is saved by this abstinence towards the relief of those that shall be in penury and want." It may be doubted whether the "time of scarcity" here again referred to was the real cause of this proclamation, but, whether it were so or not, we may feel sure that the proclamation would be of little avail in "preventing the dearth of corn and victuals," even were it generally observed; for if restricted in their suppers, people would eat more at other meals, and the quantity of food consumed would in the end be the same.

Sports and pastimes permitted after Divine Service on Sunday.

With a similar leaning to old practices, a proclamation was issued in 1633, virtually annulling the Acts passed for the strict observance of the sabbath,[k] and permitting persons who had attended public worship on the Sunday, afterwards to indulge in sports and pastimes. This proclamation was ordered to be publicly read in the churches after divine service, and any of the clergy who refused to do so were punished by suspension or deprivation. Encouragement was likewise given to church-ales, wakes, bride-ales, and other accustomed festivals of the

[k] Ante, pp. 256 and 258.

Roman Catholic times, to the great disturbance of the religious feelings of a large part of the community, and helping to swell the tide of discontent.

1634. Ship-money levied.

In 1634 the important question of ship-money was raised. Writs were issued for levying this tax, accompanied by instructions addressed to the sheriffs for their guidance in so doing. The right of the king to impose a tax on his own sole authority was denied by most persons, and Mr. John Hampden refused payment on this occasion, and thus brought the question to issue before a legal tribunal. After a lengthened trial, and long subsequent deliberation, a majority of the judges pronounced in favour of the Crown; but notwithstanding this decision, the general feeling throughout the country was against the legality of the impost.

The late king had endeavoured to introduce a liturgy into Scotland, but the attempt did not succeed. Charles now, unwarned by this failure, caused a code of ecclesiastical law and a liturgy to be prepared for that country, but these were received with execrations and shouts of "Pope" and "Anti-Christ." The people crowded into Edinburgh; petitions were prepared, requiring the abolition of the liturgy, the canons, and the Court of High Commission; and a covenant was entered into, binding the subscribers to uphold the kirk and punish its opponents.[m] Alarmed by these demonstrations, the king at last yielded, but it was too late. The whole nation had risen to defend their religion and their liberty, both of which they believed to be in jeopardy, and set about preparing for war with the utmost energy and enthusiasm. The king did the same, and in May, 1639, the two armies approached each other in the neighbourhood of Berwick; but the English were not hearty in the cause, and, after

1636-1639. Disturbances in Scotland.

[m] See Lingard's 'History of England,' vol. vi. p. 35.

various consultations, a kind of pacification was patched up, which, however, did not continue long, for early in 1640 the contest was again renewed.

The king's finances had been entirely exhausted by his former armament, and he was compelled to have recourse to parliament, which, after an intermission of nearly twelve years, met on the 13th of April, 1640, to the great joy of the nation. The king explained his necessities, and solicited a speedy supply; but the Commons determined to enter first upon a consideration of grievances, in which they sought the co-operation of the Lords; and the king, impatient of this delay, again resorted to a dissolution, immediately after which several members of the House of Commons were arrested.

1640. Parliament assembled and again dissolved, and several members arrested.

Disappointed of aid from Parliament, the king endeavoured to raise money in other ways, but his difficulties hourly increased. The nation was discontented, his means were exhausted, his soldiers ill-paid and disheartened if not disloyal, and the army of his opponents, who were also his subjects, were everywhere successful. As a last resource, he called a council of the peers to his assistance, and the result was a second treaty with the Scots, and a determination to summon another parliament.

"In November, 1640, met that renowned parliament which, in spite of many errors and disasters, is justly entitled to the reverence and gratitude of all who, in any part of the world, enjoy the blessings of constitutional government."[n] Thus writes a living historian, of the parliament which Charles, not without great misgivings, had reluctantly determined to meet. The alarms of the nation, the encroachment on its liberties, and the danger threat-

1640. The Long Parliament summoned, Nov. 3.

[n] Macaulay's 'History of England,' vol. i. p. 97.

ening its religion, would, he foresaw, furnish themes for lamentation and invective, and the storm thus sure to be raised within the walls of parliament might, it was to be feared, spread through the country.

The first Act of this parliament (*The 16th Charles 1st, cap.* 1) declares that, "by the laws and statutes of this realm the parliament ought to be holden at least once every year for the redress of grievances, and that the not holding of parliament accordingly hath produced sundry and great mischiefs and inconveniences;" for preventing which in time to come, it is now enacted, that, if no parliament were summoned within three years after the sitting of the last, the parliament was to assemble at Westminster, under writs which the lord chancellor was to be sworn in such case to issue, and, if he failed, the House of Lords were to assemble and issue writs for the Commons, and, if the Lords failed, the sheriffs were to do it, and, if the sheriffs failed, the people were to elect representatives without writs at all. By three Acts immediately following (caps. 2, 3, and 4), subsidies are granted "for the relief of his Majesty's army and the northern parts of the kingdom;" but the money was not permitted to go into the exchequer. Commissioners are specially appointed to receive it, and its application is likewise subjected to their direction.

1640. 16 Charles I., cap. 1. Parliament to be held annually.

1640. 16 Charles I., caps. 2, 3, & 4.

Before passing these Acts, the Commons had resolved on the impeachment of Laud and Strafford, and certain other of the king's ministers. The result need only be stated here. Strafford was beheaded on the 10th of May, 1641, and, after four years' imprisonment, Laud was beheaded on the 10th of January, 1645. Secretary Windebank and the Lord Keeper Finch, who would probably have shared a similar fate, effected their escape beyond sea.

Execution of Strafford and Laud.

On the 22nd of June, *The 16th Charles 1st, cap.* 8, was passed.° The Act is entitled 'A Subsidy granted to the King, of Tunnage and Poundage;' and it declares "that it is and hath been the ancient right of the subjects of this realm that no subsidy, custom, impost, or other charge whatsoever, ought or may be laid or imposed upon any merchandise exported or imported, without common consent in parliament." It then fixes the tunnage at 3*s.* for every tun of wine, and the poundage at 1*s.* in the pound on the value of other articles. This Act finally settled the great constitutional right of the Commons with respect to the imposition of taxes. Immediately afterwards another Act (*cap.* 9) was passed "for the speedy provision of money for disbanding the armies, and settling the peace, of the two kingdoms of England and Scotland." It enacts that persons "who can dispend 100*l.* per annum, of his or her own, either in lands, leases, money, stock, or otherwise," shall contribute 5*l.*; and other persons having larger incomes are to contribute certain fixed sums, according to their rank and station; a duke 100*l.*, an earl 60*l.*, a baron 40*l.*, a baronet 30*l.*, a knight-bachelor 20*l.*, an esquire 10*l.* Churchmen, lawyers, merchants, and members of corporations are likewise severally charged, and popish recusants are rated double. This was, in fact, a poll-tax, and would hardly have been resorted to, unless parliament felt assured that the sense of the country was with them. By the two following Acts, *caps.* 10 *and* 11, the courts of Star Chamber and High Commission are abolished; and by *cap.* 14 the levying of ship-money is declared to have been illegal, and the sentence against Hampden in that matter is

1641. 16 Charles I., cap. 8. Act of tunnage and poundage.

1641. 16 Charles I., cap. 9.

1641. 16 Charles I., caps. 10, 11, and 14.

Sentence against Hampden reversed.

° All the Acts of this parliament are entered in 'The Statutes of the Realm' as passed in 1640, although this and several others were passed subsequently.

reversed.[p] The Houses shortly afterwards adjourned, but appointed committees to sit during the recess. Towards the end of August the king proceeded to Scotland, where he succeeded in restoring some degree of quiet; and at the end of November he returned to London, having heard of the outbreak and fearful massacre of the Protestants which had a little before taken place in Ireland.

1641. Rebellion and massacre of Protestants in Ireland.

The policy of encouraging colonists from England and Scotland to settle in Ireland, adopted in the late reign, had been continued in the present; and much of the forfeited property had been bestowed on the new planters, who took up their abode among the native Irish, then comparatively in a rude and barbarous state, and taught them the arts of civilized life. The benefits arising from this mingling of the two races were manifest, and Ireland was beginning to assume the appearance of a prosperous country; but the weakness of the English government at this time, coupled with the example of resistance set by Scotland, encouraged certain of the old Irish chiefs, at the head of whom was Sir Phelim O'Neal, to rise in rebellion. Their intention to surprise Dublin castle was happily frustrated when on the eve of execution, but in other parts of the country the most furious onslaught was made upon the defenceless Protestant settlers, who were plundered and butchered almost without resistance, so sudden and unexpected was the outbreak. The accounts of the cruelties perpetrated almost exceed belief, and what adds to the horror of such atrocities is, that they were mostly perpetrated in the name of religion. The number of persons murdered in the course of this fearful insurrection has been variously stated at from thirty-seven to one hundred thousand. Clarendon says forty or

[p] Ante, p. 270.

fifty thousand, and, including the whole period from the outbreak, in October, 1641, to its termination in 1643, this number is probably not exaggerated, for neither age nor sex was spared in the savage butchery.

Great alarm was excited in England by these events, and a stronger abhorrence of popery, mingled with the people's natural commiseration for the sufferings of the Irish protestants. The parliament had reassembled on the 20th of October, and largely participating in these feelings, forthwith passed an Act (*cap.* 30) "for a speedy contribution and loan towards the relief of his Majesty's distressed subjects of the kingdom of Ireland." The churchwardens and overseers of the poor are directed, within their respective parishes, to "ask, take, receive, and gather the gifts and charitable benevolences of all and every person and persons to and for the uses aforesaid." The money so received and gathered, together with a list of the contributors, is to be delivered to the high constable of the hundred, who is to pay over and deliver the same to the sheriff of the county; and the several sheriffs are to pay the money, and deliver the lists, to receivers named in the Act, who are to give acquittance for the same. The moneys so collected are to be distributed "to such persons and in such manner as from time to time appointed by the Lords and Commons in parliament assembled;" but it is not anywhere stated what was the amount collected, nor how the money was applied. As much of it as was expended in relief of the distressed fugitives from Ireland, would practically be in aid of the poor-rates, these persons being in a state of destitution, and therefore entitled to relief in whatever place they had sought refuge. The appointing of the churchwardens and overseers to be the agents on this occasion, shows the estimation in which these functionaries were held, and the importance attached to their office.

1641. 16 Charles I., cap. 30.

Contributions for relief of the Irish Protestants.

In November, 1641, after a long and vehement debate, the Commons passed 'the Remonstrance of the State of the Kingdom,' and shortly afterwards it was printed and distributed throughout the country. This "remonstrance" was in fact a recapitulation of all the errors and omissions, the excesses and the shortcomings, of the present reign; and the publication of such a document could not fail to widen the breach between the king and the parliament. From this time distrust and jealousy went on increasing, incidents of almost daily occurrence adding to these feelings on both sides. At length, on the 4th of January, 1642, Charles attempted to arrest the five most popular members of the House of Commons, by which rash act he confirmed the apprehensions, and strengthened the distrust, of the popular party. The tumults which followed made it unsafe for him to remain in London, and he retired to Hampton Court, "deserted by all the world, and overwhelmed with grief, shame, and remorse, for the fatal measures into which he had been hurried." [q]

1641. 'Remonstrance of the State of the Kingdom.'

1642. Attempt to arrest the five members.

In February, 1642, the queen left England. In March the king proceeded to York, where many of the nobility and gentry joined him, and he began to organise a separate government. Preparations were now made on both sides for the impending conflict, and on the 25th of August[r] the royal standard was set up at Nottingham, and an appeal was thus openly made to the arbitrement of the sword.

1642. The king proceeds to York.

Royal standard set up at Nottingham.

It will be sufficient for our purpose merely to advert to the war which unhappily followed, in which men of the same country, and even of the same family, were arrayed against each other in deadly strife. Such a contest cannot fail of being a fearful

The civil war.

[q] Hume's 'History of England,' vol. vi. p. 472.
[r] Lingard says the 22nd.

calamity, and admits of no justification short of absolute overwhelming necessity, which did not exist in the present case. True patriotism would have avoided the dreadful alternative of civil war, and endeavoured, by combining whatever was right in the adverse claims, to frame a basis for mutual concession. That both parties were to some extent right can hardly be doubted, when a Hampden is seen periling his life on one side, and a Falkland on the other. The appeal to the sword, in this as in most other instances, led to the sword's obtaining the mastery. It now fell into the hands of a man of rare genius and indomitable resolution; and whatever may be our opinion of Cromwell as a man, a citizen, or a subject, all must admit that his government, after he attained the supremacy, was eminently successful, and one of the most brilliant recorded in history. But Cromwell's career was stained with the death of his sovereign, which it is impossible not to condemn, and which no pleadings of necessity can justify. After a trial in which his accusers sat as his judges, the king was beheaded on the 30th of January, 1649, and for a time royalty was extinct in England.

1649. Execution of Charles I.

The greater liberty, and generally higher social position, attained by the people, previous to and during these civil commotions, were accompanied by habits of greater self-reliance, and by a deeper sense of moral responsibility. The early growth and influence of these feelings have been apparent in the Acts passed in the late reigns for discouraging swearing and drunkenness, and for a more strict observance of the sabbath.[s] Even the customary licence of civil war was in the present instance little injurious to morality or religion. The conflict was in a great degree one of principle, and was freed by high religious feelings from the brutal and

[s] See ante, pp. 219, 230, 231, 244, 256, and 258.

sensual influences usually attendant on other wars. This was more especially the case with the soldiers on the popular side, of whom it has been said, "But that which chiefly distinguished the army of Cromwell from other armies, was the austere morality and the fear of God which pervaded the ranks. It is acknowledged by the most zealous royalists that in that singular camp no oath was heard, no drunkenness or gambling was seen, and that, during the long dominion of the soldiery, the property of the peaceful citizen and the honour of woman were held sacred." [t]

1660. Population.

The population of England and Wales at the commencement of the century was, we have seen, estimated at about five millions.[u] At the Restoration in 1660, it probably amounted to five millions and a half; but it has been estimated very considerably higher. Some check must necessarily have been caused by the civil war, although it does not appear that the framework of society was broken up, or very materially disturbed, during the contest between the king and parliament. Colonel Ludlow, in his Memoirs, says that the changes in the central or supreme government little affected the local administration, which proceeded in its accustomed course under the ordinary authorities—a proof, if such were needed, of the great advantage of habits of self-government.

Charles II. proclaimed. 1649-1685.

On the 8th of May, 1660, Charles the Second was, by order of the parliament, solemnly proclaimed in Westminster Hall. On the 25th of May he landed at Dover, and proceeded to London, where he was received with such joyous acclamations, that he might well express a wonder why he had been so long kept at a distance. The people were tired of change,

[t] Macaulay's 'History of England,' vol. i. p. 122.
[u] See ante, p. 251.

and wearied with excitement, and now sought refuge and repose under kingly guidance. All was loyalty and confidence. No one spoke of constitutional liberty, or of defining or limiting the royal authority. The cause so long struggled for, and for which so much blood had been shed, was for the moment totally forgotten. But before entering upon a consideration of the legislative proceedings under Charles the Second, it seems desirable to take a brief survey of the general circumstances of the country at the time of his restoration.

State of England during the Commonwealth and Protectorate.

Abroad, England had been successful in all its transactions with foreign states, whether of peace or of war. It was courted and respected by all. Its fleets visited every shore; and the name of Englishman was a title to consideration in every part of the world. At home, order and law were, with very little interruption, strictly maintained. Ireland had been reduced to subjection by the stern and vigorous hand of Cromwell, whose unswerving energy had likewise subjugated Scotland, and brought it into uniform action with England; so that the three portions of the British empire may now be said to have been, for the first time, actually united under one government. The circumstances which preceded, accompanied, and followed the periods of the Commonwealth and Protectorate, all tended to promote colonization. In the earlier period the Puritans, afterwards the Royalists, and at the Restoration the Republicans, sought refuge in the American colonies, which thus rapidly increased in population and importance, opening out new markets for our manufactures, and materially assisting the extension of commerce. It has been said that the prevalence of democratic principles at this time, led the gentry to bind their sons apprentices to merchants, and that commerce has ever since been more honourable

Colonization promoted by the circumstances of the times.

with us, than in any other European kingdom.[x] The fact may partly be as thus stated, but the high estimation of commerce in this country is surely owing to its great national importance, rather than to the cause here indicated, which, if operative at all, must have been so to a very limited extent.

1641. Trade of Manchester.

The trade of Manchester is represented as being considerable in 1641. The manufacturers purchased yarn from the Irish, and, after weaving it into cloth, returned it again to Ireland for sale. They also purchased in London cotton-wool imported from Cyprus and Smyrna, and worked it up into fustians, dimities, and other such stuffs, which were sent back to London for sale and exportation. This is the first notice we find of the cotton manufacture, which afterwards grew to so great a head at Manchester.[y] The continual growth of London was at once a proof and a consequence of the increase of commerce; but this continual growth of the metropolis was, we have seen, also a source of alarm, and led to forbidding the erection of new houses. The great resort of people thither caused it likewise, it was said, to be less easily governed than formerly, and led to a great increase in the price of provisions, and in the amount of the poor-rates.

Increase of London.

Hackney coaches.

Hackney coaches were first used in London about the year 1625. Ten years later their number had so much increased, that a proclamation was issued pointing out the great inconvenience they occasioned, and commanding "that no hackney or hired coaches be used or suffered in London, Westminster, or the suburbs thereof, except they be to travel at least three miles out of the same." They were afterwards licensed, and restricted to fifty,

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[x] Hume, quoting from Clarendon, vol. vii. p. 340.

[y] See extracts from the works of James Roberts, published in 1638 and 1641, and given in the 'Pictorial History of England,' vol. iv. pp. 540 and 542.

for London and Westminster. In 1634 sedan-chairs were first used, under a patent, which declared that the streets were so encumbered with coaches that people were exposed to danger, and the carriage of provisions much hindered; and the use of sedan-chairs was resorted to as a relief from this evil. In 1635 a regular post for the transmission of letters was established, and the rate of postage for a single letter was fixed at 2*d.* for any distance under eighty miles, 4*d.* up to a hundred and forty miles, 6*d.* for any longer distance, and 8*d.* to any place in Scotland.

A regular post established.

In 1651 the celebrated Navigation Act was passed by the then existing parliament, with the view of securing to British vessels the carrying trade between other countries and England, which was then chiefly in the hands of the Dutch. This important Act served as a shield or fence to the yet immature shipping interest of England, which grew so rapidly under the shelter thus afforded as to be, ere long, in a condition to dispense with such protection, and to stand alone and brave the competition of the world. The fence of the Navigation Law was, however, retained long after it had ceased to be useful, and even when its restrictions were positively injurious to English commerce. In the same year the legal rate of interest was reduced from eight to six per cent., and about this time also a practice began to be adopted of people depositing their spare money with the city goldsmiths, who thus became bankers, to the great economising of capital and the encouragement of industry and enterprise. This reduction of interest and the establishing a system of banking are unmistakeable signs of the increase of wealth, and could not fail to give an impulse to the productive powers of the country, both commercial and agricultural. Indeed agriculture, at this time, appears to have been undergoing a radical improvement. Books were written

1651. The Navigation Act.

Rate of interest reduced to 6 per cent.

upon it, and the cultivation of clover and turnips was introduced. The art of gardening had also made considerable progress, and England was no longer dependent on its neighbours, Belgium and Holland, for a supply of fruits and vegetables.

Improvements in agriculture.

The woollen-trade, in its various branches, gave employment to a vast number of people, and was regarded as the most important of our native manufactures. A million of persons were said to be engaged in it, but this is obviously an exaggeration, although some clothiers at that time employed as many as five hundred hands. The Dutch and the Flemish manufacturers maintained a decided superiority over the English till the end of the 17th century. It was not till 1668, when some immigrants from Flanders settled in England, that we succeeded in producing any of the finest cloths, or those made entirely of Spanish wool, without admixture of any wool of inferior quality.* In 1658 pocket watches were first made in England; glass was manufactured, and the importation of foreign glass was prohibited; and the East India Company (which had been reconstituted) set an example of improvement in shipbuilding, by the construction of vessels of large burthen and superior equipment.

Woollen-trade.

The first mention made of tea and chocolate was about the year 1660. Coffee had been introduced earlier by the Turkey Company, by whom also sugar was imported in small quantities and at a high price.

Tea and chocolate introduced.

With regard to the price of commodities, if that of wheat be taken as a standard, it will appear that a considerable increase had taken place in the last sixty years, although not nearly so great as in the half-century preceding. We have seen that in 1599 the money price of wheat had increased in the course of the previous half-century, fully 100 per

Price of wheat.

* See M'Culloch's 'Statistical Account of the British Empire,' vol. ii. p. 45.

cent., according to Sir F. Eden's 'Comparative and Chronological Table of Prices.'[a] In the above year the price of wheat is recorded in that table at 23*s.* and 27*s.*; but in the account of prices in Windsor market, also given by Sir F. Eden, wheat is set down at 39*s.* 2*d.* the quarter in 1599, which reduced to standard measure would be 34*s.* 9¾*d.*, or 9*s.* 10*d.* a quarter higher than in the Comparative Table. The Windsor account is, however, all we have subsequently to refer to, the 'Comparative and Chronological Table' ceasing in 1599; but this is not material, as, with the imperfect means of transit then existing, the price in one locality would often differ much from that in another, and no reliable average could be formed for the purpose of comparison. The only safe comparison would be between prices in the same locality, and this we find in the Windsor account, which is taken from the audit books of Eton College, extending from 1595 to 1796. In 1625 the price of wheat in Windsor market was 52*s.* a quarter. In 1649, the year in which Charles the First was beheaded, and in the two preceding and two following years, it was 76*s.* and 80*s.*; and in 1660, the year of the Restoration, it was 56*s.* 6*d.* a quarter. The comparatively higher price in the middle period may have been occasioned by the civil commotions then prevailing, but the price fell after Cromwell had attained the mastery, and was only 35*s.* 6*d.* in 1653, and 26*s.* in 1654. After this it again rose, and was 66*s.* 6*d.* a quarter in 1659, although in 1660 it fell to 56*s.* 6*d.*, and four years afterwards it was as low as 40*s.* a quarter. It appears, therefore, limiting the comparison to the Windsor market prices exclusively, that an increase of 17*s.* 4*d.* the quarter, or about 45 per cent., took place in the price of wheat between 1599 and 1660.

[a] See ante, p. 206.

Rate of wages.

An advance in the rate of wages will be found to have occurred pretty nearly corresponding with the above increase in the price of wheat. The rates established in 1495 by the 11*th Henry 7th*, and in 1593 by the magistrates of the East Riding of York, and subsequently by the justices of Rutland in 1610, have been already given and commented on.[b] In 1661 the justices of Essex established the following rates of wages, harvest-time excepted:[c]—

	With Board.		Without Board.	
	s.	*d.*	*s.*	*d.*
For common labourers, by the day, from the middle of March to the middle of September	0	8	1	2
From the middle of September to the middle of March	0	6	1	0
Man haymaker	0	8	1	0
Woman do.	0	5	0	10
Weeders of corn	0	4	0	9
Mowers of corn and grass	0	10	1	6
A fallower	0	6	1	3
Man reaper	1	0	1	10
Woman do.	0	8	1	2

On comparing the above with the rates established by the Rutland justices in 1610, it appears that the wages of ordinary labourers had been increased from 7*d.* to 14*d.* a day in summer, and from 6*d.* to 1*s.* a day in winter. The wages of a mower were increased from 10*d.* to 1*s.* 6*d.* a day. The wages of a man-reaper from 8*d.* to 1*s.* 10*d.* a day, and of a woman-reaper from 6*d.* to 1*s.* 2*d.* a day; of a man haymaker from 8*d.* to 1*s.* a day, and of a woman haymaker from 5*d.* a day to 10*d.* The annual wages of servants engaged by the year are not specified by the Essex justices in 1661, and therefore cannot be compared with those of 1610; but a little later, at the sessions held at Bury St. Edmunds in 1682, the justices established the following rates, viz.:[d]—

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[b] See ante, pp. 101 and 208.

[c] Sir F. Eden's 'State of the Poor,' vol. iii. p. 102; and Ruggles' 'Letters on the Poor,' p. 68.

[d] Sir F. Eden's 'State of the Poor,' vol. iii. p. 103.

	£.	s.	d.
A bailiff in husbandry, by the year	6	0	0
A chief husbandman or carter	5	0	0
A second hind or husbandman, or common servant above 18 years of age	3	10	0
A fourth, under 18	2	10	0
A dairymaid or cook	2	10	0
The best hired servants, with meat and drink, for harvest	1	2	0
An ordinary harvest-man	0	18	0

A similar increase is therefore observable in the rate of yearly wages between 1610[e] and 1682, as is above shown to have taken place in the daily wages between 1610 and 1660; so that, between the end of Elizabeth's reign and the restoration of Charles the Second, we may conclude that the rate of wages more than kept pace with the increase in the price of commodities, and consequently that the condition of the labouring classes went on improving throughout that period.

1660. Comparison of wages and cost of subsistence.

If the price of labour had not kept pace with the cost of subsistence, the condition of the labourer must have been depreciated, instead of being improved; but happily labour and subsistence moved onward together, thus maintaining a healthy equilibrium, which, with only occasional interruptions through deficient harvests and other temporary causes, has prevailed to the present day. Thus the price of wheat in the Windsor market, on the average of the three years 1663, 1664, and 1665, was 39*s.* 7*d.* a quarter standard measure, and it continued about the same for the nine following years—it is now (*May* 10*th* 1852), on the average of the last six weeks, as published in the London Gazette, 41*s.* 1*d.* a quarter. The wages of a common farm-labourer were fixed by the Essex justices in 1661 at 1*s.* 2*d.* a day in summer, and 1*s.* a day in winter. The usual wages of such a labourer in the agricultural districts at present vary from 1*s.* 3*d.* to 1*s.* 6*d.* and 1*s.* 9*d.*, and in some counties to 2*s.* Without pretending to exactitude in these comparisons, they may,

[e] See ante, p. 209.

on a general view, be regarded as affording proof that the condition of the labouring classes has been continually improving, the rate of wages having on the whole more than kept pace with the cost of subsistence; and this notwithstanding the population of England and Wales has trebled in amount, it having been less than six millions at the time of the Restoration, and now amounting to eighteen millions.[f] Yet so immense have been the additions to the productive powers of the country, that this enormous increase in the number of the people within less than two centuries has not outrun the power of supply, or the means of employment; whilst the variety, abundance, and comparative cheapness of what may be called the semi-necessaries of life, have greatly added to the comforts and physical enjoyments of the entire population.

Improved condition of the people.

The reign of Henry the Seventh constituted an important turning-point in the history of the English people, the great landed aristocracy having then been subjected to the power of the Crown. The reign of Charles the First was another important turning-point, the power of the Crown being then prostrated before that of the people. In like manner the restoration of Charles the Second may be regarded as another important turning-point, democracy having then, in its turn, after a brief and troubled sway, rendered endurable only by the high qualities of the great man who sprang from its ranks, and became its guide and champion, yielded the ascendancy, and fallen into a co-ordinate position with the other two powers. At the Restoration, therefore, the true constitutional principle of government by king, lords, and commons was finally recognised, since when any departure, or attempted departure from it, by either of the three co-

Constitutional principle finally established.

[f] The population of England and Wales, by the Census Returns of 1851, amounted to 17,922,768.

ordinates, has been speedily detected and promptly repressed.

We will in the next chapter proceed to examine the legislation connected with the relief of the poor, or bearing upon the general condition of the people, which took place after Charles's return. His accession, although it can only be said to have taken place on the 8th of May, 1660, the day on which he was proclaimed by order of the two Houses, then assembled in what was afterwards called the Convention Parliament, usually bears date from the death of his father Charles the First, in 1649, and the several statutes are thus headed accordingly.

CHAPTER VII.

Charles II. — Act of Indemnity — Reduction of interest — The army disbanded — Character of the soldiery — Navigation Act — Dutch war — Cultivation of tobacco and exportation of leather prohibited — The Settlement Act — Sir Matthew Hale on provision for the poor — Prohibition of foreign bone-lace, &c. — Exportation of sheep, wool, &c., prohibited — Export prices of corn — Export and import duties — Regulation of colonial imports — Importation of cattle — Cultivation of flax and hemp — The Bedford Level — Act to prevent the delivering up of merchant-ships — Shipbuilding — Woollen manufactures — The great plague and the Dutch war — Fire of London — The war renewed — Rebuilding of London — Regulation of silk-throwing — Punishment for burning stacks and injuring cattle — Metropolitan workhouses — Relief of poor debtors — Greenland and Eastland trade — Observance of Sunday — The Prince of Orange — Papist disabilities — Habeas Corpus Act — Parliament at Oxford — Death of the King — Accession of James II. — Monmouth's rebellion — Law of Settlement — Encouragement of shipbuilding — Illegal measures of James — Landing of the Prince of Orange — Abdication of James — The Convention Parliament — Accession of William and Mary — Bill of Rights.

THE first Act of the new reign, after the requisite sanction had been imparted to the then irregularly assembled parliament, and after the settlement of the revenue, including the duties of tunnage and poundage, was 'An Act of free and general Pardon, Indemnity, and Oblivion' for all things done during "the long and great troubles, discords, and wars that have for so many years past been in this kingdom." All those who sat in judgment upon the late king were, however, excepted from pardon, and several were executed.

1660. 12 Chas. II., cap. 11.

Act of Indemnity.

The first Act of a general nature requiring notice, is *The 12th Charles 2nd, cap.* 13, which recites that "the abatement of interest from ten in the hundred in former times, hath been found beneficial to trade, and to the improvement of lands by good husbandry, with many other advantages, especially the

1660. 12 Chas. II., cap. 13.

reducing of it to a nearer proportion with foreign states with whom we traffic; and that the like fall from eight to six in the hundred, by a late constant practice, hath found the like success, to the general contentment of the nation"—wherefore it is now enacted that none shall take above *six per cent.* in future, and that all bonds and other securities on which a higher rate of interest is reserved, shall be void. At this time, borrowers were most likely numerous, as the desire to make a loyal display on the return of the young king would be apt to lead people into unusual expenses, whilst the cavaliers and royalists, long deprived of their rents, would stand in need of loans for their present occasions. Other motives, besides the advancement of husbandry and commerce, may therefore have influenced the passing of this Act, which, however, as far as circumstances permitted it to be operative, was probably beneficial.

Interest reduced to 6 per cent.

The disbanding of the army was a measure no less necessary on the score of economy than for the security of the government. The royalist officers, to whom commissions were now given, had not the confidence of the men. The sober, deeply religious, and sternly moral soldiers of the Commonwealth, ill accorded with the unprincipled parasites of the Restoration, and, after the first ebullition of loyalty had subsided, their fidelity could not be relied upon. The king feared them, but he praised their character and discipline, and recommended their services to the consideration of parliament, which passed several Acts (*caps.* 9, 15, 16, *and* 21 *of* 12*th Charles* 2*nd*) for raising money "to the end that the army may be disbanded and the country eased, and that the officers and soldiers may be satisfied their just arrears." *Cap.* 16 recites, that some of the soldiers had used trades, others had been apprenticed to trades and not served their full time, and that others were apt and

Disbanding the army.

1660. 12 Chas. II., caps. 9, 15, 16, and 21.

fit for trades—"many of whom, the wars being now ended, would willingly employ themselves in those trades they were formerly accustomed unto, or which they are apt and able to follow for getting of their living by their labour and industry, but are or may be hindered from exercising those trades in certain places because of certain by-laws and customs, and of the statute *5th Elizabeth, cap.* 4, prohibiting the use of certain trades by any person that hath not served an apprenticeship thereto." On which account it is enacted, that those who had formerly been apprenticed, and had not served their full time, should be entitled to set up and exercise a trade, and have all their privileges as fully as if they had; and that "all others of the said officers and soldiers may set up and exercise such trades as they are apt and able for, in the several towns and places within the respective counties wherein they were born, without let or molestation of any person or persons whatsoever by reason of the using of such trade."

The disbanded soldiers may set up trades.

This was, doubtless, a highly proper and useful measure. It enabled these hardy soldiers at once to fall back into the ranks of the productive classes, a privilege which they forthwith embraced with the same steady earnestness of purpose which had secured for them invariable success in the struggle of warfare. Mr. Macaulay remarks—"The troops were now to be disbanded. Fifty thousand men,[a] accustomed to the profession of arms, were at once thrown on the world; and experience seemed to warrant the belief that this change would produce much misery and crime, that the discharged veterans would be seen begging in every street, or would be driven by hunger to pillage. But no such result followed. In a few months there remained not a trace indicating that the most formidable army in the world had just been absorbed into the mass of the com-

[a] Lingard states "more than sixty thousand men in the three kingdoms." See his History, vol. vii. p. 351.

munity. The royalists themselves confessed that, in every department of honest industry, the discharged warriors prospered beyond other men, that none was charged with any theft or robbery, that none was heard to ask an alms, and that, if a baker, a mason, or a waggoner, attracted notice by his diligence and sobriety, he was in all probability one of Oliver's old soldiers." [b]

1660. 12 Chas. II., cap. 18. Navigation Act.

The 12th Charles 2nd, cap. 18, is entitled 'An Act for the encouragement and increasing of Shipping and Navigation.' This is little more than a repetition of the Navigation Act passed in 1651, by the parliament of that day, and to which reference has already been made.[c] It provides that "no goods or commodities whatsoever shall be imported into or exported out of any of his Majesty's dominions in Asia, Africa, or America, and no goods or commodities of the growth, production, or manufacture of Africa, Asia, or America shall be imported into England or Ireland, &c., except in ships which do truly and without fraud belong to England or the English colonies, and whereof the master and three-fourths of the mariners at least are English, under penalty of the forfeiture of the ship and goods;" and it further enacts, that no goods shall be carried from one port of England to another, except in English vessels; and that goods the produce or manufacture of any country in Europe, shall only be imported into England, &c., in vessels of the same country, or in English vessels.

This was no doubt an exceedingly important statute, as affecting the mercantile marine of the country. It may have been, and I think was, sound and proper at the time, although its policy has more recently been called in question. The Act of 1651 hastened, if it did not cause, the war with Holland. The Dutch were at that time the general carriers of the world, and the

[b] Macaulay's 'History of England,' vol. i. p. 154.
[c] Ante, p. 281.

attempt to wrest a portion of this traffic from them brought on that fearful struggle in which the two great naval heroes Van Tromp and Blake were opposed to each other, and in which the former fell. The present revival of the Act had probably some influence in rekindling the war, which raged in 1665 and 1666 between the two countries. The contest was long and severe. At first it was in favour of the English, who after four days' hard fighting drove the Dutch in a shattered condition to seek shelter in their own ports; but it ended disgracefully for England, De Ruyter having carried his fleet up the Thames, entered the Medway, destroyed the fortifications at Sheerness and Chatham, and even put the metropolis itself into a state of alarm. Notwithstanding this blot in our escutcheon, occasioned by culpable negligence on the part of the government, the naval power of England continued to increase with its increasing commerce, whilst that of its rival declined; and from the period of these great Dutch wars, the naval supremacy of England may be dated.

1665-6. War with the Dutch.

The 12*th Charles* 2*nd, cap.* 34, prohibits the growing of tobacco in England or Ireland, and it deserves attention, as showing the estimation in which our American colonies were then held. The recital commences, "Considering of how great concern and importance it is that the colonies and plantations of this kingdom in America be defended, protected, maintained, and kept up, and that all due and possible encouragement be given unto them, the strength and welfare of this kingdom very much depending upon them, in regard of the employment of its shipping and seamen, and of the vent of very great quantities of its native commodities; and forasmuch as tobacco is one of the main products of those plantations, and that the tobacco planted in these parts is not so good and wholesome, and that by the planting thereof a considerable

1660. 12 Chas. II., cap. 34.

part of the revenue arising upon imported tobacco will be lost"—the home cultivation of tobacco is therefore prohibited, under penalty of forfeiting all that is raised, or the value thereof, and a further penalty of forty shillings for every rod or pole of ground planted, set, or sown with it. This prohibition was repeated ten years afterwards, with still more stringent regulations, on the ground of its having been evaded.

Cultivation of tobacco prohibited.

It appears that the price of leather had risen so high, owing, it is said, "to the quantities daily exported to foreign parts, that the poor sort of people are not able to buy those things made of leather which of necessity they must make use of;" and accordingly an Act was passed (*The 14th Charles 2nd, cap.* 7) "to restrain the exportation of leather and raw hides." But after an interval of five years another Act (*The 19th and 20th Charles 2nd, cap.* 10) recites, that "it is found by experience, since the late strict prohibition of the exporting of leather, that the prices thereof, and consequently of the raw hides, are very much abated, to the great discouragement of the breeding and feeding of cattle, and fall of the rents and value of land, and yet that the makers of boots and shoes, and other workers in leather, have still sold their wares very dear;" on which account, it is wisely determined to remove the restriction, and allow leather to be exported on payment of a duty of one shilling per hundredweight. The experience of the effects of prohibitive enactments afforded in this case, may be applied with advantage in others, and serve to prevent a similar tampering with supply and demand, and the free interchange of commodities, by which alone abundance and fair prices can be secured for the public.

1662. 14 Chas. II., cap. 7.

1667–8. 19 and 20 Charles II., cap. 10.

We are now arrived at *The 14th Charles 2nd, cap.* 12, the important statute by which settlement, or the power of removal, was first established, and which is therefore usually called '*The Settlement Act*,' although it bears the title of 'An Act for the

1662. 14 Chas. II., cap. 12. *The Settlement Act.*

better Relief of the Poor.' The recital and chief enactments of this statute are mingled confusedly together, without system or sequence; but I will take the parts separately, according to their nature and import.

The Act begins by declaring that "the necessity, number, and continual increase of the poor, not only within the Cities of London and Westminster, but also through the whole kingdom, is very great and exceeding burthensome, being occasioned"—

1*stly*. "By reason of some defects in the law concerning the settling of the poor;"

2*ndly*. "And for want of a due provision of the regulations of relief and employment in such parishes or places where they are legally settled, which doth enforce many to turn incorrigible rogues, and others to perish for want;"

3*rdly*. "Together with the neglect of the faithful execution of such laws and statutes as have formerly been made, for the apprehending of rogues and vagabonds, and for the good of the poor."

And it *further* declares, that, "by reason of some defects in the law, poor people are not restrained from going from one parish to another, and therefore do endeavour to settle themselves in those parishes where there is the best stock, the largest commons or wastes to build cottages, and the most woods for them to burn and destroy; and when they have consumed it, then to another parish, and at last become rogues and vagabonds, to the great discouragement of parishes to provide stocks, where it is liable to be devoured by strangers."

After these two distinct and dissimilar recitals, it is enacted, "That upon complaint made by the churchwardens or overseers of the poor of any parish, to any justice of peace, within forty days after any such person or persons coming so to settle as aforesaid, in any tenement under the yearly value of ten pounds," it shall be lawful "for any two justices of the peace, whereof one is to be of the division where any person or persons that

are likely to be chargeable to the parish shall come to inhabit, by their warrant to remove and convey such person or persons to such parish where he or they were last legally settled, either as a native householder, sojourner, apprentice, or servant, for the space of forty days at the least, unless he or they give sufficient security for the discharge of the said parish, to be allowed by the said justices; provided that all persons who think themselves aggrieved by any such judgment of the said two justices, may appeal to the justices of the peace of the said county at their next quarter sessions, who are required to do them justice, according to the merits of their cause."

The Act thus establishes a system of removal, applicable to every parish throughout the country, although the recitals, with the exception of the last, have reference to the metropolis and large towns; and the statement in the last recital does not afford ground for an enactment, which, whilst it restrains poor persons from resorting "to those parishes where there is the best stock and largest commons," at the same time restrains them from resorting to places where there is the best means of employment by which to gain their living.

It is impossible to examine this statute without seeing that it comprises objects and views having little affinity with each other. It has been described, in a report which was laid before parliament in 1851, as a fortuitous medley, compounded of two local and two general bills.[a] The writer of this report has ably discussed the whole question of settlement, both in its origin and results. He shows that the present bill was chiefly framed and carried through parliament by the metropolitan members, who were naturally desirous of being relieved from "the continually increasing number of poor within the cities of London and Westminster," and of being enabled to

[a] See 'Report to the Poor Law Board on the Law of Settlement,' by George Coode, Esq., barrister-at-law; ordered by the House of Lords to be printed, May 15th, 1851.

transfer them to the country parishes by means of this Act. The restriction of the power of removal to individuals occupying tenements "under the yearly value of ten pounds," is a proof of the metropolitan origin of this portion of the bill; for nothing like a 10*l.* rental could be contemplated as the limit of removability in country parishes, where the cottages of the inferior labourers, and others whom the parish authorities might consider "likely to become chargeable," would at that time rarely exceed a rental of 20*s.*, and those of respectable mechanics and tradesmen not above twice or thrice that sum.

The dread of London becoming over-populous which prevailed from Elizabeth's days downwards, and the proclamations which were issued from time to time prohibiting the erection of new buildings, and against people unduly resorting thither, to which the frequent outbreak of pestilence was attributed, all pointed to some such power of removal as a fitting remedy, and would no doubt be urged in parliament as valid grounds for the present Act. The country members were seemingly unaware of the consequences that would ensue from such an enactment; and, participating in the apprehensions as to the over-peopling of London, acquiesced in the measure, which appears to have excited little attention, and was, it is most likely, considered nothing more than a defensive Act, to prevent the dangerous and burthensome congregating of vagrants in and around the metropolis.

If all the consequences had been foreseen, we can hardly doubt that the measure would have been opposed, possibly defeated. A fuller consideration of its provisions at the time, independently of any experience on the subject, might have shown that there were serious dangers connected with such a power as was proposed to be given—that to remove persons from a parish in order to prevent their becoming chargeable, might end in practically restricting them through life to their place

of birth, destroying every incentive to independent exertion, and perpetuating ignorance, poverty, and a low state of civilization. We now know that such have been, to a great extent, the consequences of this measure, notwithstanding the frequent emendations it has received; and this might have been foreseen, as well as the frauds, ill feeling, and expensive litigation which have arisen out of it, if more consideration had been given to the subject before legislation was finally resorted to. But the habitual congregating of the vagrant classes in London, and the dread of pestilence likely to be thereby engendered, appear to have overborne or neutralised all other considerations at the time, and hastened the passing of the Act.

By this statute the industrious labourer, if driven from his place of birth by want of work, deficiency of wages, or any other cause, is made liable, on his entering another parish, to be laid hold of by the parish authorities and sent back, on the ground that he is likely to become chargeable — his only certain exemption from such liability being the occupation of a tenement of not less than 10*l.* yearly value. A like obstruction awaited the labourer or artizan who might seek to better his condition by changing his place of abode. He could nowhere feel certain of not being treated as an intruder. His claim of country was contracted to the boundaries of his parish or place of birth, within which alone the law allowed him a right of domicile, and to which therefore it was natural that he should limit his efforts and restrict his sympathies. We have accordingly seen the labourers, through the force of habit and dread of change, cling to their parish with a tenacity which no temptation could loosen. They felt that there was no security for them beyond its pale, and that, if they attempted to leave it in search of something better elsewhere, they would certainly be sent back, sooner or later, and not improbably be placed in a worse position than before.

We have also seen parishes "cleared" of labourers, and other parishes improperly burthened with them, to the easement of the one and the serious injury of the other; for these labourers, having become "settled" in the burthened parish, are entitled to be there relieved, although they may be employed in another parish, which, under the influence of a selfish policy, had been "cleared" of the labourers, who in the natural course of things would and ought to have been residing there.

These and other consequences actually arising out of the present Act, ought to have been foreseen; but no apprehensions of the kind appear to have occurred to the framers of the measure, whose only object seems to have been the repression of vagrancy, and the prevention of persons unduly congregating in London and Westminster. If they had been influenced by larger views, instead of sending back to his place of settlement a person who was destitute, or deemed likely to become so, they would have seen that all which was necessary, all that humanity or sound policy required, was to afford needful relief to destitution in the place where it occurred; taking care, at the same time, to give it in such form and on such conditions as that it should not have the effect of tempting applicants, encouraging idleness, or promoting improvidence. With relief so provided for the really destitute at the public charge, mendicancy and vagrancy would become public offences, and might properly be prohibited and subjected to punishment; and this, moreover, with a reasonable prospect of success.

The phrases "coming to settle," and "legally settled," in this Act, are not used in the sense in which the term "settled" came afterwards to be understood, but rather as it was regarded in the 27*th Henry* 8*th*, *cap.* 25, and in the 1*st Edward* 6*th*, *cap.* 3.[e] The latter directs that

[e] Ante, pp. 121 and 131.

an idle vagrant should be branded with the letter V, and be sent to the place of his birth, and there compelled to labour as the slave of the inhabitants; but the impotent poor are directed to be conveyed to the place where they were born, or most conversant, and there nourished of alms. The vagrant and the impotent poor (neither class very numerous as compared with the entire population) are the only parties noticed in any preceding Act, in connexion with a settled domicile: but the present Act extended this connexion to all, with the exception of those persons only whose circumstances enabled them to occupy a tenement of the yearly value of 10*l.* and upwards; and the whole of the industrious and respectable labouring classes throughout the country were thus subjected to a restriction, which had previously been applied only to the idle and the impotent —to the vagrant, whose vicious habits it was necessary for the well-being of the community to punish and restrain; and to the infirm and impotent poor, whose wants it was necessary, on the score of humanity, to mitigate and relieve.

These latter classes, who alone seem to have come under the purview of the framers of the bill, and with whom alone the Act professed to deal, may not perhaps have been subjected to greater restriction than was at that time necessary, for securing adequate relief to the one and a proper control over the other. But with respect to the rest of the population, the industrious classes, on whose intelligence and energy the welfare of the community so much depends, the case is widely different. There could have been no grounds for imposing such restrictions upon them. If in pursuance of their natural and undoubted right, they quitted the place of their birth or casual abode in search of a better field for the exercise of their industry, they only fulfilled a duty which they owed to themselves and their country; and ought to have been assisted in such an endeavour,

instead of being restrained in its exercise, as they are by the present Act.

The power of removal thus established, was at first, in all probability, applied to vagrants and the infirm poor only, and some time may have elapsed before the industrious classes became aware of the existence of this power. But its operation would be no sooner felt, by the enforced return of a labourer who had wandered from his parish in search of employment, or with the view of bettering his condition, than all similarly ambitious efforts on the part of others in that parish would be checked. The self-reliance and hopefulness which stimulate to adventure, and which led the labourers forth in search of an improved position, and often imbued them with faculties for turning whatever fell in their way to the best account—these qualities, so valuable in a population, would all be paralyzed, or so modified as to operate only within the limits of their own parish, beyond which the labourer's wishes and efforts would rarely extend. He would, in fact, become a kind of serf, or slave of the soil, and his social position would be lowered accordingly.[f]

The species of bondage to which the labouring classes are subjected by the provisions of this statute is, however, in some degree mitigated by its *3rd section*, which declares "that it shall be lawful, this Act notwithstanding, for any person or persons to go into any county, parish, or place, to work in time of harvest, or

[f] The Hon. Roger North, in his discourse on the tendency of the Poor Laws, written about the period of the Revolution in 1688, but not made public until 1753, observes with respect to settlement—"Surely it is a great imprisonment, if not slavery, to a poor family to be under such restraint by law, that they must always live in one place, whether they have friends, kindred, employment, or not, or however they might mend their condition by removing, and all because they had the ill luck to be born or to have served or resided a certain time there. Such persons, if they had spirits, have no encouragement to aspire to a better condition, since, being born poor and in a place which gives no means to be otherwise, they are not allowed to go and search it elsewhere, and if they find it they are not permitted to entertain it. Then their spirits sink, and they fall into a sottish way of living, depend on the parish, who must, however wretchedly, maintain them."

at any time to work at any other work, so that he carry with him a certificate from the minister of the parish, and one of the churchwardens, and one of the overseers of the poor, that he has a dwelling and is declared an inhabitant there." And in such case, if he fall sick, or does not return when his work is done, it is not to be accounted "a settlement," but he may be removed back to his former place of abode by order of two justices, as is prescribed in other cases. This provision, obviously intended to mitigate the stringency of the previous enactment, would seem to imply that the consequences of its unrestricted application were not altogether unforeseen. It was probably devised by the country members, whom it would enable to obtain labourers at harvest-time, without burthening their parishes with a "settled" population. Such labourers must, however, come from towns or villages, for no rural parish would spare any of its people at so busy a season. The rural labourer who applied for a certificate, would certainly be refused by some one, if not by all, of the three whose signatures were necessary to make it valid, unless indeed the character of the applicant were such as rendered his absence desirable; in which case the parish authorities might readily grant him the required certificate, and thus transfer to others that which was useless or burthensome to themselves. But so far as the good and well-conducted agricultural labourers were concerned, this certificate system could have little effect; they would continue chained to their parishes by a kind of necessity, which they would find it impossible to break through.

Exception in time of harvest.

The other provisions of the Act are of little importance, compared with those relating to settlement. They chiefly refer to the establishment of workhouses within the bills of mortality, and the apprehending of rogues and vagabonds and setting them to work therein, which is indeed a further proof of the metropolitan origin of the

statute. Workhouses appear to have been regarded at that time with much favour, as affording means for employing the poor and preventing vagrancy. There were various publications on the subject both then and subsequently; but they all assumed that manufacturing operations might in such institutions be carried on with profit in a commercial sense, as well as with advantage in other respects.

Sir Matthew Hale's 'Discourse touching Provision for the Poor.'

This was the view taken of the institution of workhouses by that good man and eminent judge, Sir Matthew Hale, and which he explained in 'A Discourse touching Provision for the Poor,' written certainly before the passing of the present Act, which it does not notice, and probably before the Restoration, although not published until 1683, six years after his death. His opinions on the subject were, however, in all probability known to many persons at this time, and would have much weight with his contemporaries both in and out of parliament. He recommends "that justices of peace at the quarter sessions should distribute the parishes in their several counties into divisions—one, two, three, four, five, or six parishes to a workhouse, according to their greatness or smallness; and to build or procure a convenient workhouse in each division for employing the poor, and for lodging materials, and for instructing children in trade or work; and to choose a master for each workhouse with convenient salary, and two overseers to see to the issuing and return of the stock, and to take accounts of the same; and that the master and overseers of every workhouse should be incorporated, and be accountable to the quarter sessions; and that, if any person, not able to maintain himself, and able to work, shall refuse to do so, he may be forced thereunto by imprisonment and moderate correction in such workhouse."

He then proposes several judicious regulations for

the government and management of these workhouses; after which he points out in much detail the advantages of his plan. "For," he says, "no person will have need to beg or steal, because he may gain his living better by working; and no man will be so vain, and indeed hurtful to the public, as to give to such as beg, and thereby to encourage them, when he is sure they may gain their living by working. And all the laws against vagrants, beggars, and wanderers, will be then effectually put in execution, when we shall be sure they may be employed if they will; but till that, the interdicting and punishing of the beggars and givers seems a most unreasonable piece of imprudence as well as uncharitableness." He then adds, "By this means the wealth of the nation will be increased, manufactures advanced, and everybody put into a capacity of eating his own bread." And he concludes with recommending his plan as "a debt which we owe to our nature as men, a work highly necessary to us as Englishmen, and our first duty as Christians." He further remarks, with great force and truth, that "The want of a due provision for the education and relief of the poor in a way of industry, is that which fills the gaols with malefactors, and fills the kingdom with idle and unprofitable persons, that consume the stock of the kingdom without improving it, and that will daily increase, even to a desolation, in time. And this error in the first concoction is never remediable but by gibbets and whipping. But there must be a sound, prudent, and resolved method for an industrious education of the poor, and that will give better remedy against these corruptions than the after-gains of penalties can." [g]

It is not a little remarkable, that the plan of uniting

[g] Sir Matthew Hale's 'Discourse' is given at length in Dr. Burn's 'History of the Poor Laws,' published in 1764, and the chief and essential portions of it are given and commented on by Sir F. Eden in his work on the 'State of the Poor.' Both have been used in the above summary.

parishes, and providing a common workhouse, recommended by Sir Matthew Hale, should be almost identical with that which was actually established nearly two centuries after: but the similarity does not proceed further, for the modern workhouse is so ordered as to be a test of destitution as well as a medium for affording necessary relief; whilst Sir Matthew Hale proposed to make the workhouse a mart of industry and a source of profit, on the assumption that manufacturing occupations might be advantageously carried on in such establishments by means of a common rate—an assumption opposed to sound principle, and at variance with all subsequent experience. Although his proposal is open to objection in this respect, the testimony of Sir Matthew Hale, that workhouses for associated parishes afford the best means of dealing with the difficulties connected with the relief of the poor, is extremely important. His authority is of so much weight in matters of this nature, and he stands so deservedly high in general estimation, that the public will readily assent to what he so strongly recommends.

The 14th Charles 2nd, cap. 13, is entitled, 'An Act prohibiting the importation of foreign Bone-lace, Cut-work, Embroidery, Fringe, Band Strings, Buttons, and Needlework;' and I extract the preamble, as it affords an insight into the state of one branch of our manufacturing industry at that time. It begins by stating, that "great numbers of the inhabitants of this kingdom are employed in the making of bone-lace, &c., who, by their industry and labour, have attained so great skill and dexterity in the making thereof, that they make as good of all sorts as is made in any foreign parts, by reason whereof they have been heretofore able to relieve their poor neighbours, and maintained their families, and also to set on work many poor children and other persons who have very small means of living other than by their labours in the said art." It is then de-

1662. 14 Chas. II., cap. 13.

cleared that the persons engaged in this manufacture, have imported large quantities of thread and silk from foreign parts, to the benefit of the revenue, until of late that great quantities of foreign bone-lace, &c., have been brought into the kingdom by foreigners and others without paying any duty for the same, owing to which the said trade is much decayed, those employed in it much impoverished, the manufacture much decreased, and many thousand poor people like to perish for want of employment. The importation is then prohibited under penalty of forfeiture, and a fine of 100*l.*; and the selling or offering foreign bone-lace, &c. for sale, will subject the offender to forfeiture of the goods and a penalty of 50*l.* A formidable array of evils is here set out as consequent on the importation of this foreign manufacture, the chief of which are the loss to the revenue by smuggling, and the increase of the poor-rates by the numbers thrown out of employment. We gather from the above, however, that the first step in the process of lace-making was not at that time performed in England, the thread being, it appears, imported in great quantities; whilst in all probability the silk was also procured in a prepared state. Nevertheless, the extent of the manufacture, and the excellence it had attained, are evidence of the very considerable progress skilled labour had then made in England, and warrant an expectation of further improvement.

The importation of bone-lace prohibited.

With the same view of promoting home manufacture, which, as we have just seen, led to prohibiting the importation of bone lace, the exportation of wool and fuller's earth was shortly afterwards prohibited by *The 14th Charles 2nd, cap.* 18. The recital states, "that great number of sheep, and great quantities of wool and fuller's earth, are secretly exported and conveyed into Scotland and other foreign parts, to the great decay of the woollen manufacture, the ruin of many families, and the destruction of the navigation

1662. 14 Chas. II., cap. 18.

and commerce of the kingdom." And it is then enacted, that all such exporting of sheep, wool, or fuller's earth, or loading the same for exportation, shall subject the offenders to "suffer and forfeit as in case of felony." Of the policy of such restrictions little need be said. How far they are susceptible of being carried into effect may depend upon circumstances. But it is generally found that countries will contrive, in some way or other, to procure the commodities of which they stand in need; and it is surely better that this should be done in the way of open traffic, than that it should be effected covertly. By Scotland's being thus specifically included with "other foreign parts" to which sheep were not to be "exported," it would seem that little progress had yet been made towards a cordial union, notwithstanding the blandishments of James, and the rougher handling of Cromwell. The Scotch were now apparently turning attention to the improvement of their flocks, and they would doubtless find means to procure from beyond the border the new stock wanted for this purpose, in spite of the heavy penalty imposed by the present Act.

Exportation of sheep, wool, and fuller's earth prohibited.

In the following year *The 15th Charles 2nd, cap.* 7, was passed, professedly "for the encouragement of trade." It declares that great quantities of land, at present lying waste or yielding little, might be improved to considerable profit, if encouragement were given for the laying out of cost and labour on the same. And it is therefore enacted, that when the prices of corn and grain, Winchester measure, at the havens or places where the same shall be shipped or laden, do not exceed—

1663. 15 Chas. II. cap. 7.

	Per quarter.
Wheat	48*s.* 0*d.*
Barley or malt	28 0
Buckwheat	28 0
Oats	13 4
Rye	32 0
Peas or beans	32 0

—it shall be lawful "to ship and transport any of the said corns or grains unto any parts beyond the seas, paying the rates for the same granted by the Act of Tonnage and Poundage." And it is also further enacted, that when the prices of corn and grain do not exceed the above amounts respectively, a custom and poundage rate shall be charged "on any which shall be imported from any parts beyond the seas," whence it seems to follow that, when the prices shall exceed the above amounts, no custom or poundage rate will be charged on importation. For the reader's convenience, I here insert, in parallel columns, the duties charged on export and import respectively, under the present Act, and that of "Tunnage and Poundage" (*The 12th Charles 2nd, cap.* 4), when the prices do not exceed those above stated:—

Export prices of corn.

Duties on export and import.

	On export. Per quarter.	*On import.* Per quarter.
Wheat	12*s.* 0*d.*	5*s.* 4*d.*
Rye	10 0	4 0
Barley and malt	10 0	2 8
Buckwheat	10 0	2 0
Oats	6 8	1 4
Peas and beans	10 0	4 0

The liberty of exporting grain is thus only given when the market-price does not exceed a certain amount, and the same amount determines the duty to be paid on grain imported. The duties on export being fixed so much higher than those on import would naturally operate to check the former and encourage the latter, which was, no doubt, done with a view to securing the supply of the home market. With the same view, a further provision in this Act authorises all persons, when prices do not exceed the above, "to buy in open market, and to lay up and keep in granaries, and, after three months, to sell again, such corn or grain as, without fraud or covin, shall have been bought at or under the above prices, without in-

Storing of grain permitted.

curring any penalty, any law or usage to the contrary notwithstanding."

These regulations continued in force for seven years, at the end of which a new arrangement with respect to the export and import of corn was established by *The 22nd Charles 2nd, cap.* 13, which, "for the further encouragement of tillage, and for the common good and welfare of the kingdom," enacts, that all sorts of corn and grain may be exported on payment of the prescribed duties, although the prices thereof shall exceed the rates set down in the previous Act;[h] and then establishes the following regulations with regard to imports:—

1670. 22 Chas. II., cap. 13.

	Duty payable per quarter.
Wheat may be imported when the price shall *not exceed* 53*s.* 4*d.* a quarter, on paying a custom and poundage duty of	16*s.* 0*d.*
When it *shall exceed* that price, and not be above 80*s.*, on payment of	8 0
Rye, when the price doth not exceed 40*s.* a quarter, is subjected to an import duty of	16 0
Barley and malt, when the price doth not exceed 32*s.* a quarter, to	16 0
Buckwheat, when not exceeding 32*s.* a quarter	16 0
Oats, when the price does not exceed 16*s.* a quarter	5 4
Peas and beans, when not exceeding 40*s.* a quarter	16 0

But when the prices of the several sorts of grain shall exceed these rates at the time and place of importation, then the duties on imports established by the previous Act[i] are to be paid.

Every description of grain might now therefore be exported, without regard to price at the time, on payment of the duty prescribed by the "Tonnage and Poundage" Act. But with regard to imports, a higher duty is imposed than was previously fixed, until a certain price be attained, after which the previous import-duty is to be paid, the turning-price being however considerably higher than was fixed by the former Act. This applies to every description of grain except wheat, which, on being imported, is subjected to a duty of 16*s.*

[h] The 15th Charles II. cap. 7. [i] The 12th Charles II. cap. 4.

a quarter when the price does not exceed 53*s.* 4*d.*; and to a duty of 8*s.* a quarter when above that price, and not exceeding 80*s.* If it rise above 80*s.*, we may presume it was intended that the duty should be altogether remitted. The price of wheat in Windsor market at the time of passing the present statute, in 1670, was according to the Eton tables 41*s.* 8*d.* a quarter, and of malt 36*s.* 6*d.* a quarter; and deducting 1-9th to bring the Windsor to the Winchester or statute measure, the prices would be respectively 37*s.* 0½*d.* and 32*s.* 5¼*d.*; so there was a large margin for increase, before a reduction of duty could take place.

We can hardly fail of being reminded by a perusal of this Act, of the scale of duties established a century and a half later, for regulating the importation of corn. "The common good" was, on both occasions, the ostensible and avowed object; but it is impossible to doubt that the governing, although it may be the unconscious motive for such legislation, was the protection of the landed interest and the keeping up of rents.

We will now resume the consideration of the *15th Charles the 2nd, cap. 7*,[k] which was interrupted for the purpose of bringing together under one view the several enactments respecting the export and import of corn. The *4th section* of the Act commences with this preamble: "And in regard his Majesty's plantations beyond the seas are inhabited and peopled by his subjects of his kingdom of England, for maintaining a greater correspondence and kindness between this kingdom and the plantations, and for keeping them in a further dependence upon it, and rendering them yet more advantageous unto it, and making this kingdom a staple, not only of the commodities of those plantations, but also of the commodities of other countries and places for supplying of them"—it is then enacted that "no commodity, the production or manu- 1663. 15 Chas. II. cap. 7.

[k] Ante, p. 306.

facture of Europe, shall be imported into any English colony, but what shall be *bonâ fide* laden and shipped in England, in English shipping, and whereof the master and three-fourths of the mariners at least are English, and which shall be carried directly thence to the said colonies, and from no other place whatsoever," under penalty of the loss of the commodities and the vessel importing them. By thus restricting the colonies in obtaining their supplies, the manufactures and shipping of England would no doubt be benefited; but in shutting out competition the great stimulus to improvement would be excluded, and the result might in the end prove injurious, although the exclusion may at first have operated beneficially. This observation, however, applies only to the mother country, for as regards the colonies, the restriction could not be otherwise than at all times injurious to them. Such was nevertheless the practice of that day, it being, as is asserted in the present Act, "the usage of other nations to keep their plantation trade to themselves."

Goods imported by the colonies to be in English shipping only.

As the colonies were subjected to restrictions for the benefit of the manufacturing and shipping interests, so again were these and the community generally subjected to restrictions for the benefit of the agriculturists. In the 10*th section* of the Act, it is declared that much of the richest and best land is employed in the fattening of cattle, and that, by the coming in of vast numbers of cattle already fatted, such lands are "much fallen, and like daily to fall more, in their rents and values, and in consequence other lands also, to the great prejudice and impoverishment of this kingdom." And it is then enacted, that, for every head of great cattle imported or brought into England, between the 1st of July and the 20th day of December in any year, there shall be paid a duty of twenty shillings, and for every sheep a duty of ten shillings. And in case of

evasion being attempted, a further sum of ten shillings is, by way of penalty, to be paid to the person who shall inform, or seize the cattle, and another sum of ten shillings to "the poor of the parish where such seizure or information shall be made." By thus preventing the importation of cattle between the 1st of July and the 20th of December, the English graziers would be secured in a market for their fat stock; whilst their foreign competitors, including the Scotch and Irish, would be able to interfere with them very little during the rest of the year.

Duty on the importation of cattle.

I have dwelt thus long on the provisions of this statute, as they refer to matters of much social importance, and help to throw considerable light on the economical views then prevalent, as well as on the general circumstances of the country at that time. The same may indeed be said of *The 15th Charles 2nd, cap.* 15, passed shortly after the preceding, which declares that vast quantities of linen cloth, and other manufactures of hemp and flax, and of tapestry hangings, are daily imported, to the great detriment of the kingdom and the non-employment of the poor, whilst "flax and hemp might be had here in great abundance, and very good, if, by setting up the manufactures of such commodities as are made thereof, it would be taken off the hands of such as sow and plant the same:" it is therefore enacted, for encouraging the setting-up of such manufactures, that all persons whatsoever, whether natives or foreigners, may freely exercise the trade and occupation of breaking, hickling, or dressing hemp and flax, and spinning, weaving, making, whitening, or bleaching any sort of thread or cloth made of the same, and also the trade or mystery of making tapestry hangings. Foreigners who shall really and *bonâ fide* set up and use any of these trades the space of three years, are, on taking the oaths of allegiance and supremacy, entitled to all the

1663. 15 Chas. II., cap. 15.

Cultivation of flax and hemp encouraged.

privileges of natural-born subjects. This was certainly a judicious enactment, both in its objects and in the mode by which they were sought to be attained. The careful attention now paid to all questions connected with trade, may be taken as a proof that it was better understood, and its importance better appreciated. This may in some degree have been owing to the example of Holland, with which there was now a constant intercourse. During the late troubles, moreover, Charles himself and his minister Clarendon, with many other of his adherents, chiefly resided in that country, and had witnessed the high state of opulence and civilization to which it had been raised by commercial industry, an example which could hardly be forgotten or disregarded on their return to England.

1664. 15 Chas. II., cap. 17, The Bedford Level.

The next Act I shall notice is *The 15th Charles the 2nd, cap.* 17, for 'Settling the Draining of the great Level of the Fens, called Bedford Level.' It recites, that, after several fruitless attempts for draining the same, the great and noble work was undertaken "by Francis late Duke of Bedford, according to a law of sewers made at King's Lynne, in the sixth year of the late reign, &c." The Earl of Bedford and the other adventurers are now made a corporation for Fens, of which the Earl of Bedford is declared governor, and very elaborate provisions are enacted for regulating their proceedings. If, as has been said, the man who makes two blades of grass grow where one only grew before, is entitled to the gratitude of the community, the individuals who undertook the draining of this fenny, and, in its then state, nearly valueless tract of 95,000 acres, and brought it into profitable cultivation, must be admitted to have accomplished "a great and noble work, of much concernment to the whole country." The example of the Dutch may, in this instance likewise, have had some influence, a great part of Holland having been in like

manner rescued from the waters and adapted to profitable culture. When the rivalry of neighbouring states is limited to promoting improvement and constructing works of utility, it is beneficial alike to both. The rivalry between the Dutch and the English was in part only of this nature, for it gave rise to a war deadly and protracted, of which we shall shortly have to speak.

With the increase of trade, English shipping demanded continually-increasing attention; and the king, indolent and careless in most other matters, was generally disposed to attend to this, in which his brother, the Duke of York, always took a lively interest. An important Act was now passed (*The 16th Charles 2nd, cap.* 6) 'to prevent the Delivering up of Merchant Ships.' The Act recites, "that masters and commanders of merchant-ships do often suffer their ships to be boarded and the goods to be taken out by pirates and sea rovers, notwithstanding they have sufficient force to defend themselves, whereby the merchants are much prejudiced, and the honour of the English nation is much diminished." It is then enacted, that if the commander of any English ship of the burthen of two hundred tons or upwards, and mounted with sixteen guns or more, shall yield the same to any Turks, pirates, or sea rovers, without fighting, "he shall be thenceforth incapable of taking charge of any English ship or vessel as master or commander thereof;" and a like penalty is imposed upon the master of any vessel of less burthen and fewer guns who shall yield without fighting to any Turkish ship, pirate, or sea rover, "not having at the least double his number of guns." The seamen and inferior officers refusing to fight and defend their ship, are to forfeit their wages, and suffer not exceeding six months' imprisonment at hard labour; and if the master is hindered from fighting, and compelled to surrender his ship by the violence and disobedience of his crew,

1664. 16 Chas. II., cap. 6.

Against surrendering to "Turks, pirates, and sea-rovers," without fighting.

all so offending are to suffer death as felons; but mariners wounded in defending and saving a ship are to be rewarded.

1670-71. 22 and 23 Charles II., cap. 11.

Six years afterwards another Act was passed, extending the reward granted to mariners wounded in defending their ships, to the widows and children of those who are slain in the performance of that duty. This Act (*The 22nd and 23rd Charles 2nd, cap.* 11) further provides for the better encouragement of building good and defensible ships, by allowing persons who shall "build, or cause to be built, any ship or vessel of three decks with a forecastle, and five feet between each deck, mounted with thirty pieces of ordnance at least," *one-tenth part* of the customs payable on the goods exported or imported in such ship, for the first two voyages to any foreign parts; and persons who shall build ships of two decks, above three hundred tons and thirty guns, *one-twentieth part*. This was doubtless an effectual way to promote the building of large "defensible" vessels, and was probably adopted with a view to offensive operations as well; for when so constructed they might, on occasion, be used as ships of war.

Encouragement for building good and defensible ships.

1666. 18 and 19 Charles II., cap. 2. Against importing cattle.

The 18th and 19th Charles 2nd, cap. 2, is entitled 'An Act against importing Cattle from Ireland, and other parts beyond the Seas.' The late Act 'for preventing the coming in of vast numbers of Cattle, whereby the Rents of Land were much fallen,'[m] is declared to have been found ineffectual; and it is further declared, that the "importation either of lean or fat cattle, dead or alive, is not only unnecessary but very destructive to the welfare of this kingdom, and is a public and common nuisance." The constables, tithingmen, headboroughs, churchwardens, and overseers of the poor, are therefore, within their respec-

[m] Ante, p. 310.

tive parishes and places, empowered to seize all such cattle; and in default of proof, by the oath of two credible witnesses, "that the same were not imported from Ireland or other place beyond sea," the same are to be forfeited, one half to the poor of the parish, and the other half to his use that shall so seize the same.

It appears, however, that this prohibition was disregarded, for in the following year the *19th and 20th Charles 2nd, cap.* 12, declares that great number of cattle, &c., were still imported, and that divers of the constables and parish officers living near the sea, combined with the owners of such cattle, &c., for colourable seizures; wherefore it is enacted, that any other person may seize the cattle, &c., so wrongfully imported, and deliver the same to the officers, "to be kept, ordered, and disposed as is before directed;" and if the officers or inhabitants of the parish or place where any such cattle, &c., shall be imported, fail to seize the same, the inhabitants are for every default to forfeit the sum of 100*l.*, "for the use of the house of correction within the county or liberty where such default shall be." Any ship bringing cattle, &c., from Ireland or any place beyond sea, is to be forfeited, and may be seized and sold, one-half the money thereby raised to go to the poor of the parish, the other half to the use of him who shall seize the same; and the master and mariners having charge of any such ship, and the persons employed in landing, driving, or taking charge of the cattle, sheep, swine, beef, pork, or bacon so imported, are to be committed to the common gaol for three months. And further, if any persons shall conspire to evade the seizures and forfeitures upon importation of cattle, &c., in this Act specified, every such person, being thereof lawfully convicted, "shall incur the dangers, pains, penalties, and forfeitures of premunire."

1667. 19 and 20 Charles II., cap. 12. Against importing cattle.

These enactments afford another instance of the difficulty of stopping short of an exhaustion of penalties,

if it be attempted to enforce restrictions which are opposed to the general wishes, wants, and interests of a people. In the present instance it is clear, notwithstanding the declaration to the contrary, that the cattle and provisions were wanted, on account of price or other sufficient reason, else they assuredly would not be imported; and the attempt made in these two Acts to deprive the people of a natural and necessary supply, for the purpose of benefiting a small class or section, was both unjust and impolitic, and would certainly end in failure; whilst by the creation of new and artificial crimes, and cumulative penalties and punishments, the sense of moral right would be outraged, and the feelings of the people arrayed against the law, instead of going with it, and giving to it support and efficiency.

1666. 18 and 19 Charles II., cap. 4.

The 18th and 19th Charles 2nd, cap. 4, entitled 'An Act for the encouragement of the Woollen Manufactures of the Kingdom,' directs that no person shall be buried "in any shirt, shift, or sheet" other than what is made of woollen only, upon pain of forfeiting the sum of 5*l.* to the use of the poor. This statute was re-enacted in 1678, with many additional provisions for detecting and punishing evasions of the law, and, among other things, directing parsons, vicars, and curates to keep a register of burials. The frequent appropriation of fines and penalties to objects connected with the relief of the poor, which appear in the Acts of this period, shows that the Poor Law was now in full operation, and recognised as one of the permanent institutions of the country.

1665. The great plague, and war with the Dutch.

We have now reached a most eventful period in the history of our country. At the end of the year 1665 England was involved in war with Holland, France, and Denmark; and a dreadful plague raged in London, scattering the inhabitants and destroying a hundred thousand persons before it entirely subsided. Whilst this fearful pestilence was

raging in the metropolis, the English fleet encountered that of the Dutch off Lowestoft, on the 3rd of June, and after a sanguinary engagement, in which the Dutch admiral was blown up with his ship and crew, and eighteen other Dutch ships were taken, sunk, or destroyed, they were compelled to retreat to their own harbours.

The Dutch displayed wonderful energy in re-equipping their fleet. The English were less active; but the two fleets again met on the 1st of June in the following year, and after four days' hard fighting, with various success, the fleets were separated by a fog, neither being in a condition to renew the combat, which, for duration and the desperate courage exhibited on both sides, was perhaps the most memorable naval engagement the world has ever known. In the following month both fleets were again at sea, and a deadly struggle was once more made for the mastery. Victory now declared against the Dutch, who were driven back, shattered and disheartened, to the Texel.

A more fearful calamity even than foreign war was now at hand: the great fire of London broke out in the night between the 2nd and 3rd of September of this year, and raged with uncontrollable fury for three days, destroying nearly the whole of the city. Not disheartened by this awful visitation, the parliament again voted liberal supplies for continuing the war; but the Dutch nevertheless found us so ill prepared, that they were enabled with a powerful fleet to insult our coasts, enter the Thames, and destroy the fortifications at Sheerness, and even to put London itself into a state of the greatest alarm. This disgrace was deeply felt, and was attributed to the improvidence and corruption of the court, which had also, the people believed, by its gross immorality, brought down the Divine vengeance upon the nation.

Fire of London, September, 1666.

Shortly after these events, peace was concluded with

the Dutch, each country being left nearly as before, except that both were impoverished by the war. Some sacrifice was, however, thought necessary for appeasing the people, and the Chancellor Clarendon, the most honest and able of the king's ministers, was dismissed from office, and escaped impeachment by retiring into France. The "Cabal" ministry was then formed. The Duke of York openly declared himself a member of the Church of Rome. The king submitted to become a pensioner of France, and joined Louis the Fourteenth in his war against the Dutch, and in his designs for conquering the Flemish provinces. In May, 1672, the combined English and French fleet encountered the Dutch fleet under De Ruyter at Solebay, and after fighting the entire day, the fleets separated, miserably shattered, and without advantage on either side. The year following, there were three several engagements between the combined and the Dutch fleets, all desperately fought, and all without any decided advantage to either party. In the early part of 1674 peace was, however, again made with the Dutch, the public feeling in England being strongly opposed to a continuance of the war, and the preponderating influence of France then exciting much jealousy and apprehension.

Peace with the Dutch.

1671. War with the Dutch.

1674. Peace with the Dutch.

This short sketch of what was passing at this time seemed necessary, as the events exercised, and long continued to exercise, an important influence on the circumstances of the country, especially with regard to shipping and commerce, in which a large amount of capital was embarked, and no inconsiderable portion of the population were engaged.

The 18*th and* 19*th Charles* 2*nd, cap.* 8, entitled 'An Act for rebuilding the City of London,' is very interesting and important as affecting the security of property, and the health and comfort

1666. 18 and 19 Charles II., cap. 8.

of persons of every class residing in or resorting thither. The Act recites, that the City of London had been by a most dreadful fire lately burnt down and destroyed, and now lies buried in its own ruins. For the speedy restoration whereof, and to the end that great and outrageous fires may be prevented in future, minute regulations are established for the erection of the new buildings. Four sorts of houses are described, to some one of which every new structure is to conform. The buildings are to be all of brick or stone, and to have party walls; and the height and thickness of the walls, and the roofing of each sort of house, is prescribed. Thirty-nine new churches are ordered to be erected, and a duty of a shilling a ton is laid on coals to defray the cost of the public buildings. The benefits of this Act have extended to the present day; and if all the plans of Sir Christopher Wren had been adopted, the benefits would have been still greater. But private interests, and the amount and diversity of property affected, prevented the entire adoption of the plans he proposed, which were admirable as a whole, and which, although in part only acted upon, entitle him to be regarded as a public benefactor, and warrant the high estimation in which he continues to be held as an architect.

The re-building of London.

The 19th and 20th Charles 2nd, cap. 11, is entitled 'An Act to regulate the Trade of Silk Throwing.' It appears that the master and wardens, and part of the commonalty, of the trade or mystery of silk-throwers of the City of London, had endeavoured to put in execution an old by-law that restrained the freemen from working with above one hundred and sixty spindles, which is now declared to be a great hindrance, depriving many thousand poor families of livelihood, and putting traders to the necessity of using foreign thrown silk. The said by-law is therefore made void, and no by-law is to be made in future to

1667-8. 19 and 20 Charles II., cap. 11.

"restrain or limit the number of mills, spindles, or other utensils used by the freemen in the said art or mystery, or to limit the number of apprentices to be taken by any of the freemen." The restrictive by-law thus abrogated, aimed at no more than what has at some time or other been attempted by every trading or manufacturing community, with a mistaken view to their own particular benefit, as if it were possible for them to prosper as individuals, unless their "trade, craft, or mystery" prospered likewise, to which prosperity all such restrictions are positive bars. The silk-trade would now appear to have attained considerable importance in England.

1670-71. 22 and 23 Charles II., cap. 7.

A pernicious practice, arising out of a disturbed and ill-conditioned state of society, appears at this time to have prevailed in some parts of the country, to arrest which *The 22nd and 23rd Charles 2nd, cap.* 7, was passed. The Act commences by reciting that "divers lewd and evil-disposed persons have of late secretly practised unlawful and wicked courses, in burning ricks and stacks of hay, corn, and grain, destroying buildings and trees, and cutting, maiming, wounding, and killing horses, sheep, beasts, and other cattle." For prevention whereof, and discovery of the offenders, it is enacted, that all persons convicted of any of the above offences shall suffer as in case of felony, unless such offender, "to avoid judgment of death, shall make his election to be transported beyond seas to any of his Majesty's plantations, for the space of seven years," before which if he returns, "he shall suffer death as a felon." The practices here denounced, and subjected to merited punishment, have since unhappily prevailed at different periods, causing alarm, distrust, and ill feeling towards the working and poorer classes, who are all thus made to suffer through the criminal practices of an evil-disposed few. It seems almost superfluous to

Burning stacks and injuring cattle subjected to transportation.

remark that such practices cannot be too strongly reprobated, even for the sake of the poor themselves, independently of all other considerations; and we may hope that the spread of education and intelligence will prevent their recurrence, and that the master-class will see it to be their interest, as well as their duty, to cultivate a kindly intercourse with those whom they employ, and to watch over and promote their comfort and well-being.

The 22nd and 23rd Charles 2nd, cap. 18, is entitled 'An Act for the better regulating of Work-houses for setting the Poor on Work.' This wording is general, but the Act really applies to the metropolitan parishes only. It would seem that some irregularities had occurred with respect to the corporations created by the *14th Charles 2nd, cap.* 12,[n] for the putting of which Act more effectually in execution, and that the poor of the several parishes within the weekly bills of mortality may for the future be duly provided for according to the intent and meaning of that Act, the present statute is enacted. It directs that all moneys assessed, or to be assessed, in pursuance of the said Act, since the 1st of March, 1665, shall be collected and paid to the treasurers of the respective corporations by or before the 29th of September, 1671. And that all moneys already collected shall be paid to the said treasurers by or before the 1st of June, 1671. And that the officers of the said corporations, and their treasurers, shall make and give quarterly accounts to the justices of peace, and they are not to raise any more moneys until there be a just account given to, and allowed by, the said justices. It further provides that the money to be levied in any of the said parishes, in any year, shall not exceed one-fourth of the poor-rates for that year; and likewise, that no assessment under the said Act shall be made on any of the parishes after the

1670-71. 22 and 23 Charles II., cap. 18. Workhouses in the metropolis.

[n] Ante, p. 293.

29th of September, 1675, at which time therefore, it appears, the power of levying money for these corporations and workhouses, separately from the poor-rate, will cease, and they will come under the provisions of the general law.

1670-71. 22 and 23 Charles II., cap. 20. Insolvent debtors.

About this time, likewise, *The 22nd and 23rd Charles 2nd, cap.* 20, was passed, a measure not strictly appertaining to the Poor Law, but yet having an important bearing upon the condition of the people. It is entitled 'An Act for the Relief and Release of poor distressed Prisoners for Debt;' and it recites, "Forasmuch as many persons now detained in prison are miserably impoverished, either by reason of the late unhappy times, the sad and dreadful fire, their own misfortunes, or otherwise, so as they are totally disabled to give any satisfaction to their creditors, and so become, without advantage to any, a charge and burthen to the kingdom; and by noisomeness (insuperably incident to extreme poverty) may become the occasion of pestilence and contagious diseases, to the great prejudice of the kingdom"—It is therefore enacted that any justice of the peace may, on the petition of a person imprisoned for debt, administer to him an oath to the effect that "he has no real or personal estate, in possession, reversion, or remainder, of the value of 10*l.* in the whole, or sufficient to pay the debt;" and may give a certificate thereof to be served upon the creditor, who is thereupon required to appear with the said debtor before the justices at the next quarter sessions, where if the oath be not disproved by good testimony, the said justices, being satisfied therein, are to discharge the said prisoner without fee or chamber-rent. If the creditor shall notwithstanding insist on the prisoner's continuing in gaol, then he is "to allow and pay weekly such reasonable maintenance to the said prisoner as the justices shall order, not exceeding eighteen pence a week; and upon non-payment of the same weekly,

the said prisoner is to be set at liberty." Although obviously open to some objection, and liable to be abused, this was surely on the whole a judicious Act. No good could arise from keeping a man in confinement, who has not the means of paying his debt. It must, however, at the same time be admitted, that the certainty of being thus released, may have the effect of making a man somewhat less careful of getting into such a predicament. This was the beginning of the law in aid of insolvent debtors.

The whale-fishery had hitherto been carried on entirely by the Dutch, but it was now determined to participate with them in that lucrative and adventurous pursuit; and accordingly, *The 25th Charles 2nd, cap.* 7, was passed, 'For the encouragement of the Greenland and Eastland Trades.' The Act declares that all persons residing in England, whether native or foreigners, may freely embark in the Greenland trade, and that whale-fins, oil, and blubber, taken in vessels belonging to England, may be imported free of duty; whilst oil of foreign fishing is subjected to an import duty of 9*l.* a ton, and whale-fins of foreign fishing to a duty of 18*l.* a ton. Liberty is also given for half the crew of the vessels engaged in whale-fishing to be foreign harpinierers, without being liable to extra duty; but all such vessels are to be built and equipped in England, and are to sail direct from thence. It is further enacted, "for encouragement of the Eastland trade," that all persons, whether natives or foreigners, shall have free liberty to trade into Sweden, Denmark, and Norway, notwithstanding the charter granted to the Eastland Company, of which any English subject is, on demanding the same, to be admitted a member. A laudable solicitude is here manifested for encouraging trade, and in this instance the course taken was certainly in the right direction, by lessening duties and removing restrictions.

1672. 25 Chas. II., cap. 7.

Encouragement of the Greenland and Eastland trade.

The interval between the enactment of the above statute and that of the next requiring notice, was a very unsettled period, full of alarms, jealousies, and discontent. The immoralities of the Court, and the dissolute conduct of the higher classes, the open adherence of the king's brother and probable successor to the Church of Rome, and the suspected leaning that way of Charles himself, together with the mismanagement of the affairs of the country, and the gross corruption pervading every department of the government, all tended to excite feelings of distrust and apprehension, in which parliament largely participated.

At other times, when the public feeling was disturbed by like jealousies and apprehensions, Acts[9] had been passed for the strict observance of Sunday, which was always held a point of duty by Protestants of every denomination, whilst the Romanists were less strict in this respect; and any failure in the strict observance of Sunday was therefore regarded as proof of a leaning to Romanism. Accordingly, *The 29th Charles 2nd, cap.* 7, was now passed, 'For the better observation and keeping holy the Lord's Day, commonly called Sunday,' and directing that all the laws in force concerning the observance thereof, and repairing to church thereon, be carefully put in execution; "and that no tradesman, artificer, workman, labourer, or other person whatsoever, shall do or exercise any worldly labour, business, or work of their ordinary callings, upon the Lord's day, or any part thereof, works of charity and necessity only excepted." It is further ordered, with a view to discourage Sunday travelling, that if any person should be robbed when travelling on that day, the inhabitants of the hundred shall not be answerable for the robbery, any law to the contrary notwithstanding; but in order

1677. 29 Chas. II., cap. 7. Observance of Sunday.

[9] See ante, p. 258.

that robbers may not thereby be encouraged, the counties and hundreds, after notice to them given, are to make "fresh suit and pursuit after the offenders, with horsemen and footmen, according to the statute,[p] upon pain of forfeiting to the king as much as might have been recovered against the hundred by the party robbed, if this law had not been made."

1677. William, Prince of Orange, marries the Princess Mary.

The king's niece, the Princess Mary, was this year (1677) married to the Prince of Orange. This young prince (afterwards William the Third) was known to be a firm Protestant, and he had shown such high talents and admirable courage in resisting the grasping ambition of Louis the Fourteenth, that he was regarded as the chief bulwark of Europe against both French and Romish aggression. Called early, and at a period of overwhelming difficulty, to occupy the first place in the government of his country, one-half of which was then overrun by the armies of France, he persuaded the States to reject the humiliating conditions sought to be imposed upon them, and to put an end to negotiations which only served to weaken their courage and give confidence to their oppressor. He exhorted them to imitate their ancestors, who had preferred liberty to every other consideration, and had beaten back the disciplined armies of Spain. When asked by a timid or a treacherous counsellor, if he did not see that the commonwealth was ruined? he replied, There is one certain means by which I can be sure never to see my country's ruin —I will die in the last ditch. The alliance with the Prince of Orange was therefore hailed with the utmost satisfaction by the people of England, who saw in it a promise of security for their liberties and protection for their religion, and derived from it confidence for the future, as well as present repose and contentment.

[p] 27th Elizabeth, cap. 13.

But the tortuous and vacillating conduct of the king, and his subserviency to France, again kindled distrust and apprehension, and the development of the so-called "Popish plot" threw the nation into a state of excitement and panic which, in the present day, it is difficult to comprehend. The parliament assembled in October, and under the influence of these alarms, passed *The 30th Charles 2nd, cap.* 1, 'for more effectually preserving the King's Person and Government, by disabling Papists from sitting in either House of Parliament.' This Act was evidently aimed against the Duke of York, whose exclusion from parliament was, in the then excited state of the public mind, regarded by many as only preliminary to excluding him from the succession. The Treasurer Danby was impeached. Fears and jealousies were every day increasing. The king became alarmed, and dissolved the parliament, which had sat ever since his restoration, a period of more than seventeen years. A new parliament met early in the following year (1679), under circumstances of great disquiet. The Duke of York had retired to Brussels, and a Bill, excluding him from the succession, passed the Commons by a large majority; but it proceeded no farther, and not long afterwards the parliament was prorogued—not, however, without having previously passed the Habeas Corpus Act, for which this session is entitled to the gratitude of posterity.

1678. 30 Chas. II., cap. 1.

Papists disabled from sitting in parliament.

The important statute of Habeas Corpus (*The 31st Charles 2nd, cap.* 2) confirms and extends the protection against arbitrary imprisonment, established by the 'Bill of Rights.' It prohibits any English subject being sent to a prison in Scotland, or beyond sea, and provides that every prisoner who applies for a writ of "habeas corpus" shall, within three days, be brought into court, and have the cause of his imprisonment openly certified. It also provides

1679. 31 Chas. II., cap. 2. The Habeas Corpus Act.

that every prisoner shall be indicted the first term after his commitment, and be tried in the term following, and that, after acquittal, no one shall be tried again for the same offence. This statute could not fail of exercising an important influence on the character and condition of the people, no one being so high as not to feel his liberty secured by it, and none so low as to be beyond its protection. It was only further necessary that the seat of judgment should be freed from undue influence or control, which was subsequently attained by making the judges irremovable; after which, any man accused of transgressing the law, was secure of having a fair and a speedy trial.

Shortly after the passing of this Act, the parliament was dissolved in heat and ill-humour, and in the following October another parliament was assembled, but in no better disposition towards the Court; and this again was dissolved in the succeeding January. 1681. In the same year (1681) another new parliament was assembled, but it now met at Oxford, where it was expected it would be more conformable to the wishes of the Court. This expectation was not realised however, and it was likewise dissolved after a brief sitting, thus making three new parliaments in little more than two years. But this was the last of the present reign, and henceforward Charles may be said to have aimed, like his father, at subverting the constitution, and governing absolutely without the intervention of parliament.

A new parliament assembled at Oxford.

Parliament again dissolved.

No doubt the heats and jealousies which disturbed the latter years of the present reign, were as much owing to religious as to political differences. The dread of popery lay at the root of much that took place, and Shaftesbury gave utterance to the feeling which almost universally prevailed, when he said that "popery and slavery, like two sisters, go hand in hand; and some-

times one goes first, and sometimes the other; but wheresoever the one enters the other is always following close behind." In the distractions of this unhappy period, much that was wrong was done on both sides. There were many victims, and among others, the amiable and patriotic Lord Russell, who was sacrificed not to popular but to regal vengeance.

Charles had at length succeeded in rendering himself for a time nearly absolute, but he probably lived under the dread of a reaction, and became gloomy and dejected. He appeared unhappy, and his health visibly declined. On the 2nd of February, 1685, he suffered an attack resembling apoplexy, and on the third day afterwards he expired, in the 55th year of his age. It would be beyond our province to attempt a description of the character of Charles the Second; but it may be permitted to express regret at the state of degradation to which he had reduced the country by his misgovernment, and to lament the immoralities which disgraced his reign, and to which his own example afforded countenance, if it did not furnish a stimulant. He died a Roman Catholic, receiving the sacrament and absolution according to the rites of that Church, thus proving the suspicions entertained with regard to his religion well founded, and that his entire life had been a tissue of deceit.

1685. Death of the king.

James the Second succeeded to the crown on the death of his brother, and forthwith issued a proclamation, directing the customs and other branches of revenue to be paid as theretofore, although this could not legally be done without the sanction of parliament, which was however summoned shortly afterwards; and its first Act was to settle on the king for life, the same revenues which had been granted to his predecessor. Its second Act was to attaint the Duke of Monmouth (the natural son of the late king)

James II., 1685–1688.

of high treason, he having landed in Dorsetshire, assembled a considerable force, and laid claim to the crown. Parliament granted the king a large subsidy for suppressing this ill-concerted attempt, which was soon put down, and Monmouth himself, with many of his misguided followers, were executed. In disregard of the existing law, on the first Sunday after his brother's funeral the king went in state to attend mass, and he afterwards sent an agent to Rome to make his submission, and to prepare for re-establishing the papal authority in England.

It will only be necessary to notice two Acts of the present reign. One is *The 1st James 2nd, cap.* 17, providing for the continuance of certain "good and wholesome laws," and among these is the "Settlement Act,"[q] which is continued for seven years. The *3rd section*, after reciting that "poor persons at their first coming to a parish do commonly conceal themselves," enacts that the forty days' continuance in a parish, intended to make a settlement, shall be computed from the delivery of notice in writing "of the house of his or her abode, and the number of his or her family, to one of the churchwardens or overseers of the poor." We thus see that the Law of Settlement had already begun to produce its natural fruits, and that further restrictions were found necessary for preventing the frauds to which it was calculated to give rise. The forty days of probation within which, under the original Act, a person might be removed, and which it appears had been evaded, are now made to commence from the date of the notice which, on entering a parish, every person is required to give of his family and place of abode. This would, it was supposed, prove effective for preventing a fraudulent concealment of residence, and it

1685. 1 James II., cap. 17.

[q] The 13th and 14th Charles II. cap. 12. See p. 293.

must be confessed that the notice here required to be given seems well adapted for that purpose.

1685. 1 James II., cap. 18. The other statute of this reign requiring notice, is *The 1st James 2nd, cap.* 18, entitled 'An Act to encourage the building of Ships in England.' It declares that "for some years past, and especially since the laying a duty upon coals brought into the river Thames," shipbuilding has greatly decayed, and that, owing to the freedom enjoyed by foreign ships and vessels bought and brought into this kingdom, equal to that of English-built ships, the merchants and others have not been able to build as formerly, "which hath caused many of our English shipwrights, caulkers, and seamen to seek employment abroad," whereby the building-trade is decayed, and the importation of timber, iron, hemp, and other commodities used in building and fitting-out ships, is greatly lessened, to the loss of employment for shipping, and all trades dependent thereupon, and to the great advantage of foreign nations. It is therefore enacted that all foreign ships and vessels which shall hereafter be bought and brought into England, and employed in carrying goods or merchandise from port to port, shall pay five shillings a ton above the duties payable on goods and merchandise in English-built ships, one-half for the use of the chest at Chatham, the other half for the relief of wounded and decayed seamen, their widows and children. Foreign-built ships, already belonging to English owners, are, in like manner and for like purposes, to pay one shilling a ton extra. Whether shipbuilding had decayed, as asserted, cannot now be ascertained; but an extra duty of five shillings a ton on foreign-built ships would, no doubt, secure the coal and coasting trade to those of English build, although at the cost of the home consumers, who would have to pay for the commodities as much more proportionally as the freight in English ships exceeded

Duty imposed on foreign-built ships.

what would be charged by foreigners or in foreign-built vessels. The consequence of an increase of charge is shown in the Act itself, which points to the "laying a duty upon coals brought into the Thames" as one cause of the decay in shipbuilding. In the above list of articles imported and used in building and fitting-out ships, iron is included. What a contrast does this present to what is seen at the present day, when nearly the whole world is supplied with iron from England—such is the change which has taken place in little more than a century and half!

In his address to the parliament, on its assembling in November, the king had assumed a high and authoritative tone. He told them that the militia had been found of little use in the late rebellion, and that he had therefore raised a regular force, comprising certain officers not qualified for employment according to the existing law, but that he had dispensed with its provisions in their favour, and he demanded a supply for the maintenance of this new army. It was known that a preference had been shown for Roman Catholics in selecting the officers for this new force; and it was also known that commissions had been given to certain Roman Catholic noblemen to raise troops for opposing Monmouth. At this time, moreover, numbers of French Protestants were compelled, by the revocation of the Edict of Nantes, to seek refuge in England, and they everywhere made known the persecutions to which they had been subjected on account of their religion. The old abhorrence of popery and dread of tyranny were thus revived, and the Commons, before granting a supply, voted an address, praying the king to dismiss all such officers as refused to take the test; and the Lords showed equal zeal in the cause. This address was very ill received by the king, who with much anger and vehemence refused to comply with its prayer. Shortly afterwards he prorogued the parlia-

ment, which never met again; and after four other prorogations it was dissolved, James apparently intending to govern in future without a parliament, as his father and his brother had each attempted to do.

1685. Parliament dissolved.

Having thus freed himself from the control of parliament, James proceeded unchecked in his career of absolutism, continually outraging the religious feelings of the people, by an open display of devotion to a church whose machinations they feared, and whose doctrines they abhorred. The Court was filled with persons of that persuasion, both lay and clerical; "many new chapels were opened, a colony of Carmelite friars was established in the City, a body of Franciscans in Lincoln's-inn-fields, a community of Benedictine monks at St. James's, and the Jesuits opened a large school in the Savoy."[r] The pope's nuncio was openly received, and father Petre, a Jesuit and the king's confessor, was raised to the dignity of a privy councillor, and by the king's command took his seat accordingly; whilst in Ireland, Tyrconnel, the lord deputy, took all opportunities of dismissing Protestants, civil as well as military, and filling their places with Romanists.

These proceedings excited great alarm throughout the country, and most people now turned their eyes towards the Prince of Orange, the king's nephew and son-in-law, and who in right of his wife had heretofore stood next in succession to the crown. But this was no longer the case, for after the death of his first wife, the daughter of Clarendon, the king had married Mary of Modena, who had just given birth to a son; so that there could be no hope of a Protestant successor, and the most gloomy apprehensions prevailed. In the Prince of Orange seemed to lie the only chance of safety. In him alone the nation could confide for

[r] See Lingard's 'History of England,' vol. viii. pp. 379 and 411. Lingard was himself a Roman Catholic.

defending its liberties and protecting its religion; and all parties, Whig and Tory, Churchman and Dissenter, united in inviting him over. The prince responded to the invitation, and after various delays and impediments, which it required all his genius and resolution to overcome, he landed in Torbay with a considerable force on the 5th of November, 1688, and published a declaration setting forth the object of his coming.

1688. William Prince of Orange lands at Torbay.

Before quitting Holland, the prince had taken leave of the States in a solemn public audience. He thanked them for their kindness to him from his childhood, and assured them of his gratitude. The confidence they then placed in him was, he said, unbounded; and he prayed that God might blast all his prospects, if he did not make them a suitable return. He was departing on a foreign expedition, not to dispossess others of their rights, but to establish their religion on a permanent basis. He recommended the princess to their protection; and of this he prayed them to be assured, that if he fell, he should fall their servant; and if he lived, he would live their friend. He was answered on behalf of the States by the Pensionary Fagel, who said, that such confidence did they repose in the prince's wisdom and patriotism, that they had unreservedly placed their army, their navy, and their treasure in his hands. They had ordered a solemn fast to be observed through the seven provinces for the success of his arms; and they earnestly prayed that God would render him the deliverer and protector of the Protestant faith. One thing only they begged of him in return, that he would not unnecessarily expose his person. The loss of him would be to them a greater calamity than the loss of both army and navy.[s]

His taking leave of the States.

This scene is said to have made a deep impression on

[s] See Lingard's 'History of England,' vol. viii. p. 471.

all who were present; and I notice it here, although it does not strictly come within the limits of our present subject, in order to show the high estimation in which William of Orange was held in his own country, of which he had been the deliverer, before he came as a deliverer to England. I have done so likewise, for the purpose of marking the contrast between the simple and elevated sentiments of William and his compatriots, and the low and degrading influences that prevailed in the Court, and to some extent pervaded the country, during the reign of the Stuarts. It was indeed full time that higher motives, juster views, and a purer morality should be implanted, to save the nation from becoming utterly corrupt; and in this respect William may also be said to have been a deliverer.

On the prince's landing, the king became alarmed, and retracted such of his measures as had given most offence; but it was then too late. The number who at first joined the prince was less than he had been led to expect, but he nevertheless continued to advance, and was every day joined by increasing numbers of all classes. The king's cause was soon seen to be desperate, and he endeavoured to quit the country, but was apprehended at Faversham and brought back. After a time, however, and to the relief of all parties, he again escaped and crossed to France: thus showing himself as feeble in maintaining his authority, as he had been forward in claiming implicit obedience; and affording a memorable example of the instability of sovereign power, when unsupported by the confidence of the people.

James escapes to France.

William entered London on the 18th of December, and was received with universal acclamations. On the 21st he summoned the peers to deliberate on the state of the country, and advise him as to what should be done; and shortly afterwards he invited all who had sat in the House of Commons during the reign

William enters London.

of Charles the Second, together with the aldermen of London, and a deputation of the common council, to attend him for the like purpose. It was determined, both by the peers and commons, that a convention of the states of the realm should be summoned, and that in the interim the prince should take upon himself to administer the government. This was no light task, but William set about it with his accustomed vigour, and singleness of purpose. All magistrates were continued in office. The revenue was ordered to be collected, and a loan of 200,000*l.* was obtained from the City, such was the reliance on the prince's word. In a few days all disorder was at an end; everything wore its usual aspect, and a sense of security everywhere prevailed.

1689. Convention parliament assembled.

On the 22nd of January, 1689, the Convention assembled, consisting of about ninety Protestant peers, lay and clerical; all the commoners who had sat in any parliament of Charles the Second (about 150); and the lord mayor, the aldermen, and 50 common councillors of London. The Convention resolved that James, by withdrawing himself from the kingdom, had abdicated the government, and that the throne was thereby become vacant; and a Bill was passed settling the crown upon the prince and princess of Orange, and afterwards on the princess Anne. A similar convocation had been assembled in Scotland with a similar result. In both cases the prince abstained from interfering with the deliberations, and declared his readiness to abide by the sense of the country, whatever it might be.

The crown settled on William and Mary.

This great revolution, which has ever since been regarded as the final settlement of the English constitution, was thus effected without bloodshed, and with the smallest possible amount of violence and disorder. Down to that period, the three elements combined in it, instead of working harmoniously within their respec-

tive orbits, had often been seen in a state of antagonism, the aristocratic element at one time predominating, the kingly at another, and then the democratic. The conflicts between these several powers appeared to have terminated at the restoration of Charles the Second, when the constitutional limits of each were openly declared and recognised; but the want of principle in Charles, and the bigotry of the late king, together with the exalted notions of sovereign authority inherited by both, led them each to aim at rendering themselves independent of their two co-ordinates, and substituting an absolute for a constitutional government. The result of these attempts has just been seen; and with respect to the future, a declaration of rights, framed by the Convention as an accompaniment to the Act settling the crown, defined the rights of the people, the privileges of parliament, and the limits of the royal authority, with such precision as thenceforward left no room for doubt or difference.

The Bill of Rights passed.

It may possibly be thought that these events have been dwelt upon at greater length than was necessary with reference to our immediate subject; but the revolution which placed William of Orange on the throne of England, constituted a grand epoch in the history of the English people, and exercised so important an influence on their social condition, that it could hardly have been more briefly noticed. It has been well remarked by Mr. Macaulay, that "the highest eulogy which can be pronounced on the revolution of 1688 is this, that it was our last revolution. Several generations have now passed away since any wise and patriotic Englishman has meditated resistance to the established government. In all honest and reflecting minds there is a conviction, daily strengthened by experience, that the means of effecting every improvement which the constitution requires may be found within the constitution itself."

CHAPTER VIII.

William and Mary — Convention Parliament — Repeal of hearth-tax — Exportation of corn — Irish war — Tithe of hemp and flax — Revision of the law of settlement — Increase of poor-rates — Progress of the Poor-Law — Population in 1688 — Increase of wealth — Price of wheat — Highway robberies — Button manufacture — Shipbuilding — Triennial Act — Coinage — Greenwich Hospital established — Growth of hemp and flax — Bank of England — East India Company — Amendment of settlement-law — Manufacture of lustrings — Peace of Ryswick — Exportation of corn — The "seven barren years" — Reduction of the army — Inland navigation — Vagrancy — Act of settlement — War of the Spanish succession — Death and character of William — Progress of the Poor-Law — Mr. Locke's report on the poor — Bristol workhouse — Amount of poor-rates — Population in 1701 — Wages — Mr. Gregory King's scheme — Summary of events in William's reign.

THE first Act of the Convention Parliament was to impart a legal sanction to their proceedings. Accordingly *The 1st William and Mary, cap. 1*,[a] was passed 'For preventing all Doubts and Scruples which may arise concerning the Meeting, Sitting, and Proceeding of this present Parliament;' and it enacts that the Lords Spiritual and Temporal, and Commons, there sitting on the 13th of February, are the two Houses of Parliament, and so shall be adjudged, notwithstanding any want of writs of summons, or other defect of form. "And that this and all other Acts shall be taken and adjudged in law to begin and commence upon the said 13th of February, on which day their Majesties, at the request and by the advice of the lords and commons, did accept the crown and royal dignity of king and queen of England."

1689. 1 William and Mary, cap. 1.

The collection of the tax imposed by the 14*th Charles*

[a] The Convention Parliament assembled on the 22nd January, 1689, but in the 'Statutes of the Realm' all the Acts are headed as being passed in 1688, the year then ending in March, as it continued to do until the reformation of the style in 1751.

2*nd*; *cap.* 10, of 2*s.* annually for every fire-hearth and stove, commonly called "hearth-money," was much complained of by the people, and in proof of the new government's readiness to attend to their wishes, the tax was abolished by *The* 1*st William and Mary, cap.* 10, which declares, "that the said tax cannot be so regulated but that it will occasion many difficulties and questions, and that it is in itself not only a great oppression to the poorer sort, but a badge of slavery upon the whole people, exposing every man's house to be entered into and searched at pleasure by persons unknown to him."

1689. 1 William and Mary, cap. 10.

The 1*st William and Mary, cap.* 12, is entitled 'An Act for encouraging the Exportation of Corn.' It declares that the exportation of corn, when the price is low in this kingdom, "hath been found by experience a great advantage, not only to the owners of land, but to the trade of this kingdom in general;" and it then enacts, that when the prices of grain shall not severally exceed—

1689. 1 William and Mary, cap. 12.

	A quarter.
For malt or barley	24*s.*
„ rye	32
„ wheat	48

—every merchant or other person exporting the same on board an English ship, whereof the master and two-thirds of the crew are British subjects, shall be entitled to a bounty of 2*s.* 6*d.* a quarter on barley or malt, 3*s.* 6*d.* a quarter on rye, and 5*s.* a quarter on wheat, whether ground or unground. These bounties were intended to bring about an exportation, which in the natural course of things would not have taken place; and if large stocks of grain were at that time accumulated, such a forced exportation might afford a certain relief to the corn-grower: but this relief would be obtained at the cost of the rest of the community, and might be followed by proportionally higher prices whenever a less abundant or deficient harvest

Bounty on the exportation of corn.

occurred.[b] The price at and under which the exportation of wheat would now be entitled to a bounty of 5*s.* a quarter, is the same as was fixed in 1663, by the 15*th Charles* 2*nd*,[c] for allowing its exportation, namely, 48*s.*, subject then, however, to an export duty of 12*s.* a quarter. In 1670 exportation was permitted without restriction on payment of the above duty,[d] but the duty on importation depended upon an assumed medium price of 53*s.* 4*d.* In that year, the price of wheat in Windsor market, according to the Eton tables, was 37*s.* 0½*d.* a quarter, statute measure; and the average price for the whole of the 17th century is stated by Mr. Tooke, on the authority of Arthur Young, to have been 38*s.* 2*d.* a quarter.[e]

James, with a French force, lands in Ireland.

England and Scotland were now in quiet subjection to William's government, but in Ireland the Roman Catholics, headed by Tyrconnel, declared for James, who with a French force joined his Irish adherents, and endeavoured to bring the Protestants of Ulster under subjection, in which however he failed, owing to the gallant resistance he everywhere encountered, and particularly at Londonderry and Enniskillen. Parliament was not unmindful of what was passing in that country, and by *The 1st William and Mary, cap.* 13, granted a poll-tax of 10*s.* on every 100*l.* of income, towards reducing Ireland to subjection, declaring at the same time, that they were highly sensible of the deplorable condition of the king's protestant subjects there, occasioned by the rebellion of the Earl of Tyrconnel and his adherents. War was also, on an address from the Commons, declared against France.

1689. 1 William and Mary, cap. 13.

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[b] Mr. Tooke, in his 'History of Prices,' vol. i. p. 29, says, "It is impossible to discover any cause for the remarkably low prices from 1685 to 1692, but that of a succession of favourable seasons, acting upon a probably extended cultivation."

[c] See ante, p. 306. [d] See ante, p. 308.

[e] See Tooke's 'History of Prices,' vol. i. p. 55.

The Convention Parliament was dissolved in January, 1690, and in March a new parliament assembled, to whom William declared his intention of proceeding to Ireland. He had already sent thither a considerable force, and on the 14th of June he landed at Belfast, and was speedily joined by volunteers from all parts of the country. James retired southwards behind the Boyne, which William crossed on the 1st of July, and defeated his opponents, heading the attack himself. James quitted the field shortly after the action commenced, and fled first to Dublin, and then to France. But it was not until October in the following year (1691) that the Irish war was brought to a close by the surrender of Limerick.

1690. A new parliament assembled.

Battle of the Boyne, and surrender of Limerick.

The 3rd William and Mary, cap. 3, entitled 'An Act for the better ascertaining the Tithes of Hemp and Flax,' is deserving of notice, as showing the view taken by parliament of the value of these crops, especially in affording employment. The Act commences by reciting, that "the sowing of hemp and flax is exceeding beneficial to England, by reason of the multitude of people that are and would be employed in the manufacturing of those two materials, and therefore do justly deserve great encouragement." And "whereas the manner of tithing hemp and flax is exceeding difficult, creating thereby grievous chargeable and vexatious suits between parsons, vicars, impropriators, and their parishioners," it is enacted that four shillings per acre shall in future be paid for tithe of flax or hemp, the same to be recoverable as other tithes in case of non-payment by the grower. As far as the difficulties complained of were removed by this statute, it would doubtless be beneficial; and its declaration of the importance of growing hemp and flax, which is in accordance with the views of the best informed agriculturists of the present day, would probably lead to their increased cultivation.

1691. 3 William and Mary, cap. 3.

It again became necessary to revise the law of settlement, and important additions were made to it by the *3rd William and Mary, cap.* 11, which declares that the *14th Charles 2nd, cap.* 12, and the *1st James 2nd, cap.* 17,[f] "have been found by experience to be good and wholesome laws," and they are accordingly continued. "But forasmuch as the said Acts are somewhat defective and doubtful, for supplying and explaining the same," it is now enacted, "That the forty days' continuance in a parish intended by the said Acts to make a settlement, shall be accounted from the publication of a notice in writing, which the person shall deliver of his or her abode, &c., to the churchwarden or overseer of the poor, which notice the churchwarden or overseer is required to read or cause to be read publicly on the next Lord's day, immediately after divine service, in the church or chapel of the said parish. And the said notice is to be registered in the book kept for the poor's accounts." The mere delivery of a written notice to a churchwarden or overseer, as before directed, was, it appears, found to be insufficient, and the notice is now therefore required to be read publicly in church, so that all the parishioners may be made aware of the new comer, and perhaps have also a voice in ejecting him, if their officers should be remiss or over indulgent. Should the churchwarden or the overseer neglect to read the notice, or to register the same, as directed, he is in every such case made liable to a penalty of 40*s.*, leviable by distress.

1691. 3 William and Mary, cap. 11. On settlement.

This Act further provides, that a person who serves any public annual office in a parish during one whole year, or who pays his share towards the public taxes or levies of the parish, shall be deemed to have a legal settlement therein. And also, that if any unmarried person be

Settlement acquired by holding office, or paying rates, or serving for a year, or being apprenticed.

[f] Ante, pp. 293 and 329.

lawfully hired in any parish for one year, such service shall be deemed a good settlement therein. And likewise, that if a person shall be bound an apprentice and inhabit in any town or parish, such binding and inhabitation shall be adjudged a good settlement. These were all important extensions of the settlement law, or rather of the conditions on which settlement is based: But the serving an office, hiring for a year, binding and habitation as an apprentice, are all matters liable to question, and to become in lapse of time subjects of litigation, as in fact we know them to have largely been.

Some embarrassment had apparently been caused by parish officers refusing to receive persons removed by order of justices under the *14th Charles 2nd, cap.* 12,[g] that Act only providing in such case that the officers might be indicted. By the *9th section* of the present Act a more summary mode of punishment is established; and if any churchwarden or overseer shall thereafter refuse to receive any person so removed, they are to forfeit five pounds to the use of the poor of the parish from which the person was removed, "to be levied by distress and sale of the offender's goods, under warrant of any justice of the peace of the county, riding, city, or town to which such person was removed."[h]

The Act then proceeds (*section* 11), "And whereas many inconveniences do daily arise in cities, towns, and parishes, where the inhabitants are very numerous, by reason of the unlimited power of the churchwardens and overseers of the poor, who do frequently upon

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[g] Ante, p. 293.

[h] The Hon. Roger North, in his Discourse written about this time, when the effects of the law had already become apparent, says, "The poor are imprisoned in their towns, and chained down to their wants, so that they are deprived of means to mend their condition, if their own wits or their friends should suggest any, by removing to places more proper for them either for sort of work or of friends to employ them. But if any chance to move for an experiment, they are then sent back, and tossed from pillar to post in carts, till they return to their old settled misery again. No town willingly receives a poor man, though they want poor people to do the ordinary works of husbandry, because they say his family may become a charge to the parish." See also ante, p. 300.

frivolous pretences (but chiefly for their own private ends) give relief to what persons and number they think fit, and such persons, being entered into the collection bill, do become after that a great charge to the parish, notwithstanding the occasion or pretence of their receiving collection (or relief) oftentimes ceases, by which means the rates of the poor are daily increased, contrary to the true intent of the statute of Elizabeth:" for remedying of which, and preventing like abuses in future, it is enacted that a book or books should be kept in every parish, wherein the names of all persons who receive collection are to be registered, with the date when they were first admitted to have relief, and the occasion which brought them under that necessity. And yearly in Easter week, or oftener if necessary, the parishioners are to meet in their vestry, or other usual place, before whom the said book is to be produced; and all persons receiving collection are to be then called over, and the reasons of their taking relief examined, and a new list made and entered of such persons as shall be thought fit to receive collection; and no other person is to be "allowed to have or receive collection at the charge of the said parish, but by authority under the hand of one justice of peace residing within such parish; or if none be there dwelling, in the parts near or next adjoining, or by order of the justices in their respective quarter-sessions, except in cases of pestilential disease, plague, or small-pox, for and in respect of such families only as are or shall be therewith infected."

Persons relieved to be registered and examined by the vestry.

The 12*th section* of the Act records another instance of maladministration. It recites that "many churchwardens and overseers of the poor, and other persons interested to receive collections for the poor, and other public moneys relating to the churches and parishes whereunto they belong, do often misspend the said moneys, and take the same to their own use, to the

great prejudice of such parishes, and the poor and other inhabitants thereof." And it further states, that when actions were brought against such churchwardens and overseers to recover the moneys so misapplied, the judges sometimes refused to admit the parishioners as witnesses, although they were "the only persons that could make proof thereof;" and it is now therefore enacted, that any parishioners, except such as receive alms, pensions, or gifts out of the collections, shall be admitted to give evidence in all such cases.

Parishioners may give evidence in suits instituted by the parish.

We thus see that, at the end of ninety years from the 43*rd of Elizabeth*, serious abuses prevailed, as well in the collection as in the application of the poor-rates. The churchwardens and overseers are here first complained of, as dispensing the funds with which they were intrusted to improper objects, and likewise as improperly applying them to their own use. The instances of such misappropriation may possibly not have been at that time very numerous, or very flagrant; but in some shape, and to some extent, they would doubtless occur, being more or less incidental to all parochial government. The degree and extent would depend much upon circumstances, and upon the prevailing character of the period. Where corruption is rampant in high places, a low state of moral feeling may be looked for in the rest of the community. This was the case in England during the reigns of the Stuarts; and it is not therefore improbable, even at that early stage of the Poor-Law, that the abuses above complained of may have largely prevailed. The legislature sought to devise a remedy by interposing the authority of the parishioners in vestry, which would, no doubt, prove beneficial by securing publicity; but there would still be party feuds, and occasional partialities and favouritism; and so long as the poor-rates continued exclusively under parochial management, without other

control or effective supervision, abuses would be sure more or less to prevail.

The amount of the poor-rates in England and Wales at this time (1691) has been variously estimated, but there is no account that can be relied upon as being accurate. In 1677, Andrew Yarranton (as quoted by Sir F. Eden),[i] in a work entitled 'England's Improvements by Sea and Land,' estimates them at upwards of 700,000*l.*; and in a table prepared by Mr. Gregory King, on data said to be collected, with great labour and expense, by Mr. Arthur Moore, "a very knowing person," also quoted by Sir F. Eden, the poor-rates for England and Wales, in the latter end of Charles the Second's reign (say between the years 1680 and 1685), are estimated at 665,362*l.* We may, therefore, perhaps venture to set them down as amounting, in 1691, to nearly 700,000*l.* Mr. Gregory King's table contains an estimate of the population by Davenant, founded upon the number of houses on the hearth-tax books, in each county, at Lady-day, 1690, which are 1,319,215. Davenant allows six persons to a house, and makes the population amount to 7,915,290; but this is evidently an exaggeration. Mr. Gregory King takes the same data of the hearth-tax books, and, after making certain allowances and corrections, he assumes that in 1696 there were 1,300,000 inhabited houses in England and Wales, and, reckoning 4·17 persons to a house, and allowing 77,440 for soldiers, sailors, and vagrants, he estimates the entire population in 1696 at five millions and a half, or the same as we took it to be at the Restoration in 1660.[k] But if Mr. King had allowed 4½ persons to a house, as he would probably have been warranted in doing, it would have given a quarter of a million more. On the whole,

1691. Amount of poor-rates.

[i] See Sir F. Eden's 'State of the Poor,' vol. i. pp. 198 and 230; also M'Culloch's 'Statistical Account of the British Empire,' vol. i. p. 398.

[k] See ante, p. 278.

it may, perhaps, be assumed that, at the Revolution in 1688, the population of England and Wales was somewhat over five millions and a half, and that the poor-rates amounted to rather more than two shillings and sixpence per head on the population.

1688. Population.

This charge of the poor-rate was deemed oppressive; it was much complained of at the time, and many pamphlets were written, and many schemes promulgated, and suggestions made, with a view to lessening the burthen. All these schemes, however, united in recommending that employment of some kind, either in workhouses specially adapted for the purpose, or in some other way, should be found for poor persons who were willing to work, and that those who were not willing should be compelled to labour. In all, moreover, it was assumed that such employment would be remunerative, and there seems to have been no apprehension of its interfering in any way with the independent labourer, or that it would derange the natural operation of supply and demand in the labour market.

But not only was the poor-rate felt to be oppressive, —it was, at the same time, seen to be rapidly increasing, which gave rise to serious alarms for the future. Thus, in a pamphlet entitled 'Bread for the Poor,' printed at Exeter in 1698, quoted by Mr. Ruggles, and attributed to Mr. Dunning, it is stated that the charge of maintaining the poor in some parishes in Devonshire had, within sixty years, "advanced from 40*s.* to 40*l.* a year; in others twice that sum, and mostwheres double within twenty years, and like to double again in a short time;"[1] and the poor's-rate of the entire county, estimated at 38,991*l.*, is declared to be 30,000*l.* more than it was fifty or sixty years before. The writer then assumes

Alarms at the continual increase of the poor-rates.

[1] Ruggles' 'History of the Poor,' pp. 91 and 93.

that the poor-rate in Devonshire is in the proportion of 1 to 21 with the rest of the kingdom, and the entire amount in 1650 is, on this data, set down at 188,291*l.*, and in 1698 at 819,000*l.* This certainly does appear a formidable increase in half a century; and if it could be reasonably inferred that such a rate of increase would continue, it might warrant the apprehensions which at that time seem to have been felt. But in 1650 Elizabeth's law was not yet in full operation, although each succeeding year it was becoming more and more so; and thus the charge would, independently of any inherent tendency so to do, go on increasing in amount, until the law was universally acted upon, and until the cases requiring relief, and the relief afforded, attained a certain equilibrium.

The continually progressive increase of the poor-rates in the first century after the passing of the *43rd of Elizabeth*, presented therefore, if rightly considered, no grounds for alarm. Such an increase ought to have been looked for, as the natural consequence of establishing an organised system of relief where none had existed before; and its ratio would necessarily lessen, as the object for which the relief had been established was fulfilled. At the same time however, it must be admitted, that there is in Poor-Law relief a strong tendency to increase, and that careful supervision is necessary to keep it within its due and legitimate bounds, without which it might become a positive evil. This tendency, and the danger thence arising, must have been perceived, and will account for the alarm which prevailed on the subject at this time and at certain subsequent periods.

The increase of Poor Law relief is not, taken singly, a proof of increasing poverty in the great mass of the people, neither does it indicate a diminution in the general wealth of the country. It may, indeed, be viewed as indicating the reverse: for where wealth

most abounds, there will relief be most abundant—want ever dogging wealth at the heels. Hume, quoting from Sir Josiah Child, says "that, in 1688, there were on the 'Change more men worth 10,000*l.* than there were in 1650 worth 1,000*l.*; and that 500*l.* with a daughter was, in the latter period, deemed a larger portion than 2,000*l.* in the former; and that besides the great increase of rich clothes, plate, jewels, and household furniture, coaches had augmented a hundred-fold."[m] A Board of Trade was established; our colonies in America were greatly strengthened and extended; English shipping rapidly increased; new manufactures in iron, brass, silk, &c., were formed. The art of dyeing woollen cloth, and of manufacturing glass and crystal, were introduced from Flanders and from Venice. On all sides, in short, unmistakeable evidences of growing wealth and improvement were at this time apparent, coincident with an increasing charge for the relief of the poor—which, although assuredly not a source of wealth, may be taken as indicative of its existence, and as being calculated to promote its security, by preventing the occurrence or mitigating the pressure of extreme want in individual cases.

1688. Increase of wealth.

The price of wheat in Windsor market, as given in the Eton tables for Lady-day 1689, was 30*s.* a quarter; in 1690 it was 34*s.* 8*d.*, and in 1691 it was 34*s.*, which, deducting 1-9th to bring Windsor to standard measure, will be 26*s.* 8*d.*, 30*s.* 10*d.*, and 30*s.* 2¾*d.* respectively. Owing to unfavourable seasons the price was much higher throughout the eight following years, the average being 55*s.* a quarter; but for a like period afterwards it again fell to about the former level. Taking the average of the one period at 29*s.*, and of the other at 55*s.*, it will give a medium of 42*s.* for the sixteen years comprising periods of high and low prices, or 3*s.* 10*d.*

[m] Hume's 'History of England,' vol. viii. p. 329.

a quarter above the average assumed for the whole of the seventeenth century.[n] The general rate of wages appears to have continued nearly stationary, notwithstanding the increase of manufactures and other sources of employment, the demands of which must therefore have been supplied by the ordinary growth of the population. The war with France[o] no doubt caused a drain of men, as well as a drain of money; but although at the time exhaustive, neither this war nor the war of the following reign, were probably in the end material checks to population, or to the increase of wealth; for by defeating the ambitious designs of Louis the Fourteenth, England acquired greater influence and consideration throughout Europe, and the people were stimulated to greater activity and enterprise in every department of industry and social improvement.

We learn from contemporary writers that robberies on the highway were now of frequent occurrence, and *The 4th William and Mary, cap.* 8, was passed expressly "for encouraging the apprehending of highwaymen." The highways and roads are declared to be of late more infested with thieves and robbers than formerly, for want of due and sufficient means being used for the discovery and apprehension of the offenders; "whereby so many murders and robberies have been committed, that it is become dangerous in many parts for travellers to pass on their lawful occasions." For remedy of this state of things, it is enacted that a gratuity of 40*l.* shall be given for the apprehension and conviction of every such offender, and in case any person should be killed in endeavouring to apprehend a robber, his heirs or executors are to be entitled to the reward; and as a further inducement "to take, apprehend, prosecute, and

1692. 4 William and Mary, cap. 8.

Highway robberies.

[n] See ante, p. 339.

[o] War had been declared against France in 1689, on its espousing the cause of James II. See ante, p. 339.

convict such robber," his horse, arms, money, and other goods taken with him, are given to the person who apprehends him; and it is further enacted, that any robber, being at large, who shall discover and convict two other robbers, is to be entitled to a pardon for his former offences. The evil must have been great to warrant the application of such remedies, which lowered the dignity and moral purity of justice, by thus allying it with crime.

1692. 4 William and Mary, cap. 10.

The 4th William and Mary, cap. 10, after reciting that, by the 14*th Charles* 2*nd*,[p] foreign buttons made of thread or silk are prohibited to be imported or sold in England, goes on to state, that, because buttons made of hair are not expressly mentioned in the said Act, "many persons, enemies to the manufacturers of this kingdom, taking advantage of the said omission, do daily import such great quantities of hair buttons, that the button-trade of England is very much decayed, and many thousands of poor people that were formerly kept at work in the said trade are likely to perish for want of employment." The importation of hair buttons is now therefore specially prohibited. We gather from this Act, that a change in fashion had taken place in the preceding thirty years, buttons of thread and silk being superseded by those made of hair. These were also after a time supplanted by metal buttons of various kinds, which in their turn again gave place to those made of silk. This last change, however, caused much greater derangement than the preceding, the machinery used in making metal buttons being unsuited to any other material, and the skilled worker in metals being thereby unfitted for the manipulation of silk. These changes must always occasion loss and inconvenience, as well as a certain amount of privation and suffering to the people em-

[p] Ante, p. 304.

ployed; but industry and intelligence will speedily adjust the one, and find a remedy for the other.

We have seen what was done in the late reigns for the encouragement of shipbuilding.[q] Another Act was now passed (*The 5th and 6th William and Mary, cap.* 24) 'For building good and defensible Ships.' It enacts, that all persons who shall, within ten years after the 1st of May, 1694, build or cause to be built any ships or vessels of not less than 450 tons burthen, having three decks, reckoning the orlop for one, and six feet between each deck, with a forecastle, quarter-deck, and round-house, and not less than ten ports of a side, mounted with two-and-thirty pieces of ordnance, eighteen on the lower decks of thirty hundredweight each at least, and those on the upper deck of two-and-twenty hundredweight each at least, with other ammunition proportionably, shall, for the first three voyages of every such ship, receive to their own use and benefit one-tenth of the customs duties that would be payable upon the goods exported and imported on the said ships. But it is also provided, that if, after the said first three voyages, any of such ships shall be altered, whereby they shall be made less defensible, then every ship so altered, with the guns, tackle, ammunition, and apparel thereof, shall be forfeited, one-half to the crown, the other half to the informer. The object of this Act is to encourage the building a larger description of vessels, with a heavier armament, than what is specified in the Act of Charles the Second;[r] and it probably led to the building of many "good and defensible ships;" but vessels built and equipped as this Act requires, are adapted for long voyages and distant traffic, and for encountering the casualties of war, rather than for the purposes of general commerce.

1694. 5 and 6 William and Mary, cap. 24.

Encouragement for building good defensible ships.

[q] Ante, pp. 313, 314, and 330. [r] Ante, p. 314.

Public attention had been of late much directed to the state of our shipping, in consequence of the generally unsatisfactory results of our naval operations; for although the fleets of England and Holland were acting in concert, they were unable to effect anything of importance against the naval power of France, with the exception of the battle of La Hogue in 1692, when the French, being outnumbered in the proportion of three to two by the combined fleet under Admiral Russell, were defeated with considerable loss of ships and men, but without loss of honour, which indeed was rather thought to be on the side of the victors.

The 6th and 7th William and Mary, cap. 2, recites, 1694. 6 and 7 William and Mary, cap. 2. Triennial Act. "that by the ancient laws and statutes frequent parliaments ought to be held, and that frequent new parliaments tend very much to the happy union and good agreement of the king and people;" and it enacts that a new parliament shall be called every third year, whence it has usually been called the Triennial Act. This important statute received the royal assent on the 22nd of December, 1694. 1694, and six days afterwards Queen Mary died Death of Queen Mary. of virulent small-pox, to the infinite grief of her husband, and deeply lamented by the nation.

After the death of the queen, a great accession of care and anxiety fell upon the king, whom many persons, forgetful alike of his high qualities and the benefits he had conferred on the nation, decried as a foreigner, and as being, since the death of his wife, no longer entitled to wear the crown. He stood now almost alone, a beacon amid the gloom, surrounded by disaffection, treachery, and corruption. Most of the public men of the day kept up a secret intercourse with the exiled family, and revealed the king's plans and designs to the enemy. Fraud and dishonesty prevailed in every department, to an extent which it required all William's vigilance, patience, and judgment to counteract, and

which only his high principle and indomitable courage enabled him to control. The people were not however insensible to his merits, and the parliament responded to his demand of supplies, for enabling him to oppose French aggression and maintain the liberties of Europe, of which he was now as emphatically the defender, as he had been of the liberties of England.

A new parliament was assembled in 1695, shortly after William's return from a successful campaign in Flanders; and this, his first parliament since he reigned alone, immediately passed 'An Act for remedying the ill state of the Coin of the Kingdom.' This, at all times a measure attended with much cost and difficulty, was now more especially difficult on account of the war, which brought a heavy expenditure upon the country, and interrupted the ordinary operations of trade. The Act (*The 7th and 8th William 3rd, cap.* 1) begins by reciting, that "a great part of the silver coin of the realm appears to be exceedingly diminished by persons who have practised the wicked and pernicious crime of clipping, until at length the course of the moneys within this kingdom is become difficult and very much perplexed, to the unspeakable wrong and prejudice of his Majesty and his good subjects in their affairs, as well public as particular; and no sufficient remedy can be applied to the manifold evils arising therefrom, without recoining the clipped pieces." It was then determined to proceed with all possible expedition to a new coinage, strictly adhering to the established standard; and parliament provided 1,200,000*l.* by a duty on windows, to cover whatever loss might ensue. There was much controversy at the time with respect to this measure, and two men of great eminence, Newton and Locke, took a distinguished part in supporting it, wisely judging, that in a commercial country as England had then become, a sound currency is as essential as pure air is necessary to

1695. 7 and 8 William III., cap. 1. For a new coinage.

the individual. Prosperity may not always be secured by the one, nor health by the other: but without the first, commerce would be paralyzed; and without the last, health cannot be hoped for.

Mints were accordingly erected in York, Bristol, Exeter, and Chester, for the purposes of the recoinage, which perfectly succeeded; and in less than a twelvemonth, the currency of England, which had been the worst in Europe, is said to have become the best. The people generally were deeply interested in this change, not alone on account of its influence upon the foreign trade through the medium of the exchanges, but also as it affected the rate of wages and the prices of commodities at home. A progressively depreciating currency is ever injurious to the working classes, who in effect go on receiving less and less for their labour, whilst they pay more and more for their subsistence. By establishing a real and permanent standard of value, a great boon was therefore conferred upon them, perhaps even greater than upon the rest of the community.

1695-6. 7 and 8 William III. cap. 21. Greenwich Hospital established.

The 7th and 8th William 3rd, cap. 21, entitled 'An Act for the Increase and Encouragement of Seamen,' possesses peculiar interest, as by it that great national institution, *Greenwich Hospital*, was established. The Act recites, that "the seamen of this kingdom have, for a long time, distinguished themselves throughout the world by their industry and skilfulness in their employment, and by their courage and constancy manifested in engagements for the defence and honour of their native country." And for their encouragement, and to induce greater numbers to betake themselves to the sea, it is declared fit and reasonable that some provision should be made for those who, by age, wounds, or other accidents, become disabled, and also for the widows and children of such as shall be killed or drowned in the sea-

service. The king and the late queen had, by their letters patent, granted the palace and grounds at Greenwich as an hospital for such purpose; and commissioners with suitable powers were now appointed, and a sum payable annually out of the treasury is assigned, together with a payment of 6*d.* per month out of the wages of every seaman, both in the merchant-service and in the navy, "for the better support, carrying on, perfecting, and maintaining the said hospital." It is then enacted that all mariners, watermen, fishermen, lightermen, and seafaring persons generally, above eighteen and under fifty years of age, may register themselves for service in the royal navy; and every man so registered is to be allowed, whether in actual service or not, a bounty of forty shillings annually over and above such other pay as he may be entitled to in his Majesty's service. And every registered seafaring man, being disabled, and producing a certificate thereof from the captain, master, surgeon, and purser of his ship, is to be admitted into the said hospital, and there provided, during his life, with convenient lodging, meat, drink, clothing, and other necessaries. The widows and the children of seamen who are killed or drowned in the sea-service, and who shall not be able to maintain themselves, are also to be received into the said hospital, where the children are to be educated, and kept until they are fit to be put out, or able to maintain themselves. "All which shall be done so far as the said hospital shall be capable to receive such disabled seamen, and such widows and children, and as the revenues thereof shall extend for the purposes aforesaid."

By the people, and especially by the seafaring portion of them, the establishment of Greenwich Hospital was regarded as a great boon. It showed them that they were cared for. It excited their gratitude. It kindled emulation and a love of country, and it became a link between them and the Government, and has so

continued ever since. The system of registry was not of long duration, but *Greenwich Hospital* continues to fulfil the important ends for which it was instituted, and still stands in more than pristine dignity, with its river flowing in front, its wooded heights rising behind, and the Royal Observatory cutting the sky in the background. These are all objects of interest and beauty, watched for, admired, and pondered over by the crews of every vessel arriving or departing from the port of London, and of every craft passing or repassing on the Thames. Foreigners view the structure with admiration, natives with pride. The aged seamen point to it as a haven of rest, and with the young it is an incentive to a sailor's adventurous life. To the wise benevolence and patriotism of William and Mary the country is indebted for this fine institution, which was planned and executed amidst the turmoil of war, and at a period of great difficulty and anxiety both foreign and domestic. A nobler monument could not have been raised to their memory.

1695-6. 7 and 8 William III., cap. 39.

By *The 7th and 8th William 3rd, cap.* 39, it is declared, that "great sums of money and bullion are yearly exported out of this kingdom for the purchase of hemp, flax, and linen, which might in great measure be prevented by being supplied from Ireland, if such proper encouragement were given as might invite foreign Protestants into that kingdom to settle;" and it is then enacted, that any native of England or Ireland may import into England directly from Ireland any sorts of hemp or flax, and all the productions thereof, "free from all manner of customs duties whatsoever." And it is also enacted, as a further encouragement, that English-made sailcloth may be exported free from duty, whether in the bolt or in sails ready made. The inducement here held out to "foreign Protestants" to settle in Ireland, with a view to increasing the growth and

For encouraging the growth of hemp and flax.

manufacture of flax and hemp, is evidently intended for Englishmen, to whom, with the Irish themselves, the privilege of importing the products into England free from duty is alone given. This Act is framed on the true commercial principle of affording encouragement by reducing the charges; and, like the *3rd William and Mary, cap.* 3,[s] it rightly estimates the importance of growing and manufacturing hemp and flax ourselves, instead of obtaining it from abroad in exchange for "great sums of money and bullion;" but it goes beyond the previous Act, by extending to Ireland the encouragement given in furtherance of these objects.

In 1693 the scheme of a national bank, similar to those of Genoa and Amsterdam, was much discussed, and a subscription was raised for carrying it into effect. The government viewed the plan with favour, as a means of supporting public credit, and giving increased facilities to trade. In the following year the governor and company of the bank were incorporated by charter, having a capital of 1,200,000*l.*, which was lent to government, and on the security of which the bank was empowered to issue its notes. In 1696 the bank became involved in difficulties, and its notes were at a considerable discount; but by *The 8th and 9th William 3rd, cap.* 20, a new subscription was authorised, and certain additional powers were given to the corporation; among others, that, during the continuance of the Bank of England, "no other bank shall be erected, established, permitted, suffered, countenanced, or allowed by Act of Parliament within this kingdom." Thenceforward the bank continued to increase in usefulness and importance, with the increasing wealth and importance of the country. In 1693 likewise, another great incorporation, that of the East India Company,

1693. The Bank of England.

1696–7. 8 and 9 William III. cap. 20.

1693. East India Company.

[s] Ante, p. 340.

received a renewal of its charter for twenty-one years, on the condition of its annually exporting British produce and manufactures to the amount of 100,000*l.* at least; and its capital stock was increased from 750,000*l.* to 1,500,000*l.* The company was originally incorporated by Elizabeth in 1600, its capital then amounting to no more than 30,000*l.*; but it had gone on progressively increasing, first as a purely trading association, and then by the acquisition of territory and combining sovereignty with commerce, until, through the force of circumstances, it rose to be a substantive power in the East, and at home an important element of national aggrandizement. The people of England had a deep interest in each of these great incorporations, which, by facilitating the influx and diffusion of wealth, and the increase of manufacturing industry, were in an eminent degree calculated to promote the general welfare, and urge forward the stream of social improvement.

The settlement law[1] was still working unsatisfactorily, notwithstanding the various amendments which had been applied to it within the last thirty years; and another amendment was now attempted by 1696-7. 8 and 9 William III. cap. 30. *The 8th and 9th William 3rd, cap.* 30, entitled, 'An Act for supplying some Defects in the Laws for the Relief of the Poor.' The Act commences with this important recital:—"Forasmuch as many poor persons, chargeable to the parish or place where they live merely for want of work, would in any other place where sufficient employment is to be had, maintain themselves and families without being burthensome to any parish; but not being able to give such security as will or may be required upon their coming to settle themselves in any other place, and the certificates that have been usually given in such cases having been oftentimes construed into a notice in handwriting, they

[1] See ante, p. 293.

are for the most part confined to live in their own parishes or places, and not permitted to inhabit elsewhere, though their labour is wanted in many other places where the increase of manufactures would employ more hands." Nothing can be clearer or more to the point than the statement here given, of the hardships inflicted by the law of settlement upon the labouring classes, and for which a remedy is sought to be provided in the present statute, by enacting that poor persons, coming to reside in any parish, shall bring with them and deliver to the parish officers a certificate, under the hands and seals of the churchwardens and overseers of the parish to which they belong, owning and acknowledging the persons therein mentioned to be legally settled in that parish; and such certificate, being allowed and subscribed by two justices of peace, will render it imperative upon that parish to receive and provide for the persons named therein, whenever they shall become chargeable, or be forced to ask relief in the parish to which they had come; and then, and not before, such persons may be removed to the parish which granted them the certificate.

And in order "that the money raised only for the relief of such as are as well impotent as poor, may not be misapplied and consumed by the idle, sturdy, and disorderly beggars," it is further enacted, that every person receiving relief of any parish shall, together with his wife and children, openly wear upon the shoulder of the right sleeve a badge or mark with a large Roman P, and the first letter of the name of the parish whereof such poor person is an inhabitant, cut thereon either in red or blue cloth. And if any such poor person shall refuse or neglect to wear such badge, any justice of the peace may, upon complaint, punish such offender, by ordering the relief or usual allowance on the collection to be reduced, suspended, or altogether withdrawn, or else by committing

Persons receiving relief to wear a badge.

such offender to the house of correction, there to be whipped and kept to hard labour not exceeding twenty-one days. And if any churchwarden or overseer shall relieve any such poor person not wearing a badge or mark as aforesaid, and be thereof convicted, he is in every such case to forfeit the sum of twenty shillings, one half to the informer, the other half to the poor of the parish.

It appears that the expenses arising out of the settlement law, already began to attract attention. In the *3rd section* of the present Act it is directed, "for the more effectual preventing of vexatious removals and frivolous appeals," that the justices in their general or quarter sessions, upon any appeal before them concerning the settlement of any poor person, or upon proof before them made that notice of any such appeal had been given, may award and order the party in whose behalf the appeal shall be determined, or to whom such notice was given, such costs and charges as the said justices shall think just and reasonable, to be paid by the churchwardens and overseers, or any other person against whom such appeal shall be determined.

The *4th section* of the Act recites, that some doubts had arisen touching the settlement of unmarried persons hired for a year, and it therefore enacts, "That no person so hired shall be adjudged to have a good settlement in any parish or township, unless such person shall continue and abide in the same service during the space of one whole year." Settlement by hiring and service was therefore already giving rise to doubts, and threatening to lead to litigation, a threat which was afterwards abundantly fulfilled. Doubts, it is also said, had arisen, whether the persons to whom poor children had been assigned as apprentices under the *43rd of Elizabeth*, were compellable to receive them, owing to which doubts "the law had failed of its due execution;" and the *5th section* therefore enacts,

that such persons are bound to execute the indenture, and receive the said poor children, and make due provision for them, under a penalty of 10*l.*, to be applied to the use of the poor of the parish. All the provisions of this Act are important, and manifest increasing familiarity with the details of Poor Law administration, now everywhere in activity; and giving rise, it must be confessed, to some of the abuses usually attendant upon uncontrolled local management. As defects in the law became apparent, and as these abuses became known, the legislature endeavoured from time to time to amend the one, and prevent the other; and there is sufficient evidence that the working of the law, and the law itself, much occupied the attention of thinking people of every class at that time.

The 8th and 9th William 3rd, cap. 36, deserves our attention on account of its preamble, which declares that "there are great quantities of alamodes and lustrings consumed by his Majesty's subjects, which till of late years were imported from foreign parts, and thereby the treasure of this nation much exhausted; but that the same are now manufactured in England by the Royal Lustring Company, to as great perfection as in any other country, whereby many thousands (of the poor) may be employed." Heavy penalties are then enacted against smugglers of foreign lustrings, which are all subjected to a high duty, and some altogether prohibited. This Act is expressly framed for the purpose of raising up a native, to supersede a foreign manufacture. Instead of buying in the best and cheapest market, the framers of the Act are for a time content with a dearer, and possibly an inferior article, in the hope that this forbearance will enable them to obtain supplies from native producers, as good and as cheap as can be procured in any foreign market. It amounts in short to a present sacrifice, in order to secure a future benefit;

1696–7. 8 and 9 William III., cap. 36.

and if the effort be judiciously made, if all that is essential for the purpose can be created or obtained at home, if time and practice are alone wanting to bring the native up to a level with the foreign production as regards price and quality, the wisdom of making such a sacrifice, and affording such protection, can hardly be disputed.

It must nevertheless be remembered, that all such protection is costly as well as enervating, and its duration ought therefore to be limited to the secure establishment of the new manufacture. If continued longer, it will not only inflict a needless loss upon the community, but will also be a cause of weakness to the new undertaking; as the shelter placed at first round a young plant will cause it to become tender and unhealthy, unless, after it has struck root and acquired strength, the shelter be removed. Without such shelter, the young plant might have withered and died, and unless at first protected, the new manufacture might never have risen into life. In both cases protection may at first be useful; but it must not be carried further, nor continued longer, than is necessary for the enrooting of the one, or the introduction and fair development of the other. These points attained, each should be left free and open to grow, harden, and expand by its own natural energies.

The war against France had now continued nearly nine years, and William had throughout exhibited all the qualities of a great general, except that he was, as we are told, often led by his high courage to expose his person too unguardedly in battle. Although repeatedly worsted, and thwarted in his designs by treachery and intrigue, he always rose, Antæus-like, stronger after defeat; and now, the object for which the war was undertaken having been accomplished, by reducing the power of France within limits not incompatible with the liberties of Europe, William determined to bring it to a close; and the peace of Ryswick was signed, to the great

The Peace of Ryswick signed on the 20th of Sept. 1697.

joy of the people, who had suffered much through the heavy pressure of taxation, and the losses and interruptions of their trade.

The Act of the last session, 'for supplying some Defects in the Laws for the Relief of the Poor' (the *8th and 9th William 3rd, cap.* 30),[u] had been found defective, and *The 9th William 3rd, cap.* 11, was passed to amend it. After reciting the provisions of that Act with respect to certificates of settlement, it is stated that doubts have arisen as to the Acts by which any person coming to reside in a parish by virtue of such certificate, may procure a legal settlement therein, and whether such certificate did not amount to a notice in writing in order to gain a settlement. For removal of such doubts, it is now enacted, "That no person or persons whatsoever, who shall come into any parish by any such certificate, shall be adjudged by any Act whatsoever to have procured a legal settlement in such parish, unless he or they shall really and *bonâ fide* take a lease of a tenement of the yearly value of ten pounds, or shall execute some annual office in such parish, being legally placed in such office."[x] This enactment calls for no remark, beyond an expression of surprise that the certificate in question could have been so construed as to be regarded an equivalent for the notice required to be given for a totally different purpose by the *3rd William and Mary, cap.* 11.[y]

1697–8. 9 Wm. III., cap. 11.

The 10th William 3rd, cap. 3, recites that "The price of corn is become very great, and in some parts excessive, and in several parts of Europe is scarcer and dearer than in England; on which account it is likely persons will for their private advantage export great quantities to foreign parts, whereby the

1698. 10 Wm. III., caps. 3 & 4.

[u] Ante, p. 358.

[x] Twenty years afterwards, by the *12th Anne, cap.* 13, it is enacted that an apprentice or hired servant to a certificated person, shall not thereby gain a settlement in the parish where such hiring or apprenticeship takes place.

[y] Ante, p. 341.

price here will be further enhanced, if a timely remedy be not provided." The exportation of corn, &c., is then prohibited for one year, under penalty of forfeiture, and the imprisonment of the master, mariners, and others acting therein. At the same time, and with a like view, *The 10th William 3rd, cap.* 4, was passed, prohibiting distillation from corn, and the exportation of beer and ale. This was one of the series of barren years, commencing in 1693, and ending in 1699, which prevailed throughout the whole of Europe, and everywhere causing great distress and privation. The price of wheat in 1698, according to the Eton tables, was 60*s.* 9*d.* the quarter, Winchester measure, and the average of the entire seven years was 57*s.* For the seven preceding years, acccording to the same tables, the average price was 31*s.* 9*d.*, and for the following seven years it was 30*s.* 5*d.*, in both cases not much above one half.

Exportation of corn prohibited.

The high price during what are usually called "the seven barren years," may perhaps to some extent, and especially in the first year or two of the series, have been caused by the bounty on exportation established in 1689,[z] which, as far as it was acted upon, would lead to a reduction of the general stock of grain below what it would have fallen to, if left to the natural operation of supply and demand; and the country would thus be found with a less reserve to mitigate the pressure, when the scarcity came upon it. The intensity and duration of the scarcity must have caused a vast amount of suffering. Mr. Tooke, in his 'History of Prices,' adduces testimony of the prevalence of cold springs and wet ungenial summers between 1692 and 1699, to account for its occurrence; and he quotes Mr. M'Culloch's 'Account of the British Empire,' to the effect, that during these "seven ill years," the distress

1692-9. The "seven barren years."

[z] See ante, p. 338, 1st William and Mary, cap. 12.

was so great in Scotland, that several extensive parishes were nearly depopulated, and that farms remained unoccupied for several years afterwards.[a] This long-continued scarcity must have caused a material addition to the poor-rates, the amount of which, and their continual increase, were loudly complained of; and various schemes were devised by Mr. Locke and other ingenious persons to remedy the evil. All these schemes were, however, based upon the assumption, that remunerative employment could be found for every one, and that such employment should be provided at the risk and charge of the public.

At the conclusion of the war in 1697, the army was reduced to 10,000 men, to the great regret of the king, who in the then state of Europe considered a larger force necessary. The jealousy of a standing army was, however, too strong to allow of the king's wishes in this respect being complied with, and the troops were accordingly disbanded, and an Act was passed (*The 10th William 3rd, cap.* 17) "to enable such officers and soldiers as have been in his Majesty's service during the war to exercise trades, &c." This statute is framed on the model of the *12th Charles 2nd, cap.* 16,[b] and it enacts that all such officers and soldiers "may set up and exercise the several trades, mysteries, or occupations, without any let, suit, or molestation of any person or persons whatsoever." The disbanded soldiers were thus enabled at once to mingle with, and become merged in the productive classes, as was the case with the soldiers of the Commonwealth after the Restoration. Without such a provision, many would in all probability have remained in idleness, a burthen and a source of danger to the community. 1698. 10 Wm. III., cap. 17.

Two Acts which deserve to be noticed (*The 10th William 3rd, caps.* 25 *and* 26) were passed this year,

[a] See Tooke's 'History of Prices,' vol. i. p. 30.
[b] Ante, p. 289.

for making and keeping navigable the rivers Aire and Calder, and the river Trent, both of which measures, the preambles assert, will greatly promote trade and commerce. These Acts may be regarded as the commencement of a series of efforts for the creation of inland water-communications, which were steadily continued until the country was supplied with the means of transit necessary for developing its resources, and which at the same time added immensely to its powers of production, and to the field of profitable employment. The network of canals, and rivers made navigable, which were successively formed to meet the wants of the respective districts, constitute the completest system of internal navigation which any country, excepting Holland, ever possessed; and the example of the Dutch in this respect, there is every reason to believe, gave rise to, and greatly aided, these useful undertakings in England.

1698. 10 Wm. III., caps. 25 & 26.

The 11th William 3rd, cap. 18, is entitled 'An Act for the more effectual Punishment of Vagrants, and sending them whither by law they ought to be sent.' It commences by declaring that "many parts of this kingdom are extremely oppressed by the usual method of conveying vagabonds or beggars from parish to parish in a dilatory manner, whereby such vagabonds or beggars, in hopes of relief from every parish through which they are conducted, are encouraged to spend their lives in wandering from one part of the kingdom to another; and, to delude charitable and well-disposed persons, frequently forge counterfeit passes, testimonials, or characters, whereby the charitable intentions of such persons are often abused." For remedy whereof it is enacted, that all vagabonds, beggars, or other persons whatsoever, who shall apply or be brought to any constable, headborough, tithingman, or other officer, with any pass, testimonial, letter of request, or other

1698-9. 11 Wm. III., cap. 18.

Persons with passes and testimonials, &c., to be taken before a magistrate.

writing, pretending thereby to be relieved or conveyed, shall be taken before the nearest justice for examination; and if found such as ought by law to be punished, the justice is to send them to the house of correction; or if otherwise, then to order them to be immediately conveyed to the town in the next county through which they would have to pass; and the constable or other officer is forthwith to convey them to the house of correction, or to such town, accordingly. The justice is further required to give a certificate of the number of such persons so ordered to be punished or conveyed, as also the manner how, and whether by cart, horse, or foot, and what number of persons such constable or officer had occasion to employ to bring such persons before him, or to convey them as aforesaid.

In this Act, an endeavour is made to provide for a contingency sure to arise under the law of settlement. By "sending them whither by law they ought to be sent," of course is meant the place where they are legally settled; and doing this was, it appears, attended in many places with a charge "extremely oppressive," as well as with delay and other evils, among which other evils must be included the difficulty of ascertaining the place of settlement, and the ill-feeling, litigation, and expense thence often arising. The practice of referring every case of difficulty in Poor Law administration to the justices, has we see already begun; and as most of these difficulties are more or less connected with settlement, the passing of that law must have greatly added to the labours and responsibilities of the local magistracy, and frequently placed them in a position of great difficulty, by requiring them to decide in cases where the grounds for decision were at best doubtful and obscure.

The last statute of William's reign requiring notice—and this less from its immediate connexion with our present subject, than on account of its general importance—is *The 12th and 13th* 1700–1. 12 & 13 William III., cap 2.

William 3rd, cap. 2, usually called the 'Act of Settlement.' After reciting that, "it had pleased Almighty God to take away our Sovereign Lady Queen Mary, and also the most hopeful Prince William, Duke of Gloucester, to the unspeakable grief and sorrow of the king and his good subjects; and his Majesty having particularly recommended a further provision to be made for the succession to the Crown in the Protestant line, for the happiness of the nation and the security of our religion," it enacts, that the Princess Sophia of Hanover, granddaughter of James the First, and her issue, being Protestants, shall succeed to the Crown and regal government of these kingdoms, after the king and the Princess Anne of Denmark, and in default of their leaving issue. "And thereunto the Lords Spiritual and Temporal and Commons in parliament assembled, in the name of all the people of this realm, themselves, their heirs, and posterities, do faithfully promise to stand to, maintain, and defend to the utmost of their powers, with their lives and estates, against all persons whatsoever that shall attempt anything to the contrary."

We are now arrived at the commencement of another century, and nearly at the close of William's reign, although a new call for his exertions at this time arose, in consequence of the sickly and imbecile King of Spain having, on his death-bed, bequeathed the whole of his vast possessions to the Duke of Anjou, grandson of Louis the Fourteenth. The concentration of the French and Spanish monarchies in the hands, or under the influence, of so ambitious a monarch as the King of France, excited the most lively apprehensions. The parliament and the people joined heartily in supporting the measures which the king deemed necessary for averting the consequences threatened by such a concentration. The old alliance against French aggression was renewed, the forces by land and sea were increased,

and war against France was almost unanimously advocated, partly with a view to curtail a power become dangerous to the other nations of Europe, and partly also on account of the young Pretender's having been acknowledged by Louis as King of England [c]—an insult which aroused the deepest resentment in the entire English people.

William's health had for some time appeared to be failing, but his mind was fresh and vigorous, and he continued to fulfil all the duties of his high station with exemplary punctuality. On the 21st of February, 1702, however, his horse fell with him whilst riding to Hampton Court, and fractured his collar-bone. The fracture was set, and he returned to Kensington the same evening. But he continued feeble afterwards, and on the 3rd of March was seized with fever and ague, which on the 8th brought his life to a close, in the 52nd year of his age, after reigning a little more than thirteen years. William's character is best shown by his actions. Perhaps no sovereign was ever beset with greater difficulties, and none ever more thoroughly succeeded in overcoming them. To him the nation is indebted for the practical working out and final settlement of our free constitution, which he left perfect and entire as a legacy to the English people. May they ever cherish it as a treasure above all price! [d]

1702. Death of the king.

[c] His father, late James the Second, died at St. Germain's on the 16th of September, 1701.

[d] It has been said of William, by no common authority, that he was the greatest sovereign England ever possessed; an observation no less just in itself, than honourable to the distinguished individual by whom it was made. See Prince Albert's speech at St. Martin's Hall, June 17th, 1851, on the celebration of the 150th anniversary of the *Society for the Propagation of the Gospel in Foreign Parts*, from which the following is an extract:—"This Society was first chartered by that great man William the Third—the greatest sovereign this country has to boast of; by whose sagacity and energy was closed that bloody struggle for civil and religious liberty which had so long been convulsing this country, and then were secured to us the inestimable advantages of our constitution and of our Protestant faith. Having thus placed the country upon a safe basis at home, he could boldly meet her enemies abroad, and contribute to the foundation of that colonial empire which forms

On the death of William, the Princess Anne succeeded to the Crown, in conformity with the Act of Settlement, and at once declared her determination to follow the line of policy marked out by the late king. Before entering upon an examination of the legislative proceedings of Anne's reign however, it will be convenient to take a brief survey of the state of the country, and of the Poor Law operations, at the time of William's decease, or rather at the commencement of the 18th century.

Queen Anne. 1702-1714.

We have seen that the poor-rates had gone on increasing in amount, which was, indeed, inevitable as the law came into fuller and more complete operation, and ought to have been expected. But the rates are said to have increased more rapidly, and were consequently regarded as more burthensome, after the Revolution in 1688 than before: and this may be true, it being far from improbable that the Law of Settlement, enacted in 1662, would lead to such a result. At the period of the Revolution, settlement would be beginning to produce its natural fruits in impeding the free transference and interchange of labour; and by restricting men in their efforts for self-support, it would give them a kind of equitable claim on the parish purse—a claim which they would, in all likelihood, not permit to lie dormant. Any increase which may have taken place in the poor-rates at this period, beyond the increase naturally arising from the continually augmenting population of the country, and from more fully and generally carrying into effect the provisions of the Poor Law, may therefore, I think, be attributed to the Settlement Law.

Progressive increase of the poor rates.

That great alarm was felt during the latter part of William's reign, on account of the continually increasing amount of the poor-rates, is certain. The king more than

so important a part of our present greatness; and honour be to him for his endeavour to place this foundation upon the Rock of the Church."

once adverted to it in addressing parliament. In 1698 he said, "I think it would be happy if some effectual expedient could be found for employing the poor, which might tend to the increase of our manufactures, as well as remove a heavy burthen from the people." And in the following year he said, "The increase of the poor is become a burthen to the kingdom, and their loose and idle life does in some measure contribute to that depravation of manners which is complained of, I fear, with much reason. Whether the ground of this evil be from defects in the laws, or in the execution of them, deserves your consideration. As it is an indispensable duty that the poor who are not able to help themselves should be maintained, so I cannot but think it extremely desirable that such as are able and willing should not want employment, and such as are obstinate and unwilling should be compelled to labour." In his speech the next year he again adverted to the subject, and said, "The regulation and improvement of our trade is so public a concern, that I hope it will ever have your serious thoughts; and if you can find proper means of setting the poor at work, you will ease yourselves of a very great burthen, and at the same time add so many useful hands to be employed in our manufactures and other public occasions." [e]

Another instance of William's solicitude on the subject is furnished by the Board of Trade, which he established in 1696,[f] and of which that eminent philosopher and good man, John Locke, was appointed a member. In addition to all matters appertaining to trade, the Commissioners were instructed "to consider of proper methods for setting on work and employing

[e] These passages are quoted from Sir Frederic Eden's 'State of the Poor,' vol. i. p. 247. He gives them as extracts from Chandler's 'Debates.'

[f] The Board of Trade which had been established in the reign of Charles the Second, like other objects of utility in that dissolute period, was of brief duration.

the poor, and making them useful to the public." Accordingly, in the following year, the Commissioners presented a Report, drawn up by Mr. Locke, in which it is stated that "the multiplying of the poor, and the increase of the tax for their maintenance, is so general an observation and complaint that it cannot be doubted of; nor has it been only since the last war that the evil has come upon us; it has been a growing burthen on the kingdom these many years, and the two last reigns felt the increase of it as well as the present." Mr. Locke considers the evil to proceed neither from scarcity of provisions nor want of employment, but that it is caused by the relaxation of discipline and the corruption of manners. He is of opinion that above one half of those receiving parish relief are able to earn their own livelihood; and as the greater part of them "are neither wholly unable nor unwilling to work, but, either through want of work being provided for them, or their unskilfulness in working, do little that turns to public account." He recommends that working-schools shall be set up in each parish, and that the materials used in these schools, and in setting the other poor people to work, shall be provided by a common stock in each hundred. He appears to think, that all who are able to work should be furnished with suitable employment at the public charge, and that such employment would be remunerative to the community, whose interest it would therefore be to provide it. Numerous minute regulations, all more or less open to objection, are proposed for carrying out this view, which, together with stringent measures for the suppression of vagrancy, constitute the substance of Mr. Locke's recommendations; as they do, indeed, of the various other schemes promulgated about this time, of which Sir Frederic Eden gives a detailed account, but it is unnecessary to notice them here.

Mr. Locke's report on the poor.

It was with a like view to the profitable employment of the poor that, in 1697, the several parishes of the city of Bristol were, by an Act of Parliament, formed into a *Union*, having a common workhouse, and the management being vested in a corporation appointed for the purpose. This appears to have been accomplished mainly through the exertions of Mr. John Carey, one of whose objects was to effect thereby an equalization of the rates in all the parishes within the city limits,—no doubt a legitimate object; but Mr. Carey also advocated the workhouse as being "the best means of restraining idleness," and in which "the poor of both sexes and all ages may be employed in beating hemp, dressing and spinning flax, or in carding and spinning wool and cotton. The design being to provide places for those who care not to work anywhere, and to make the parish officers more industrious to find them out when they know whither to send them, by which means they would be better able to maintain the impotent." The establishment of a workhouse of this description, under such supervision, could hardly fail of materially reducing the poor-rates in the united parishes; and in a publication, some years afterwards, Mr. Carey declares "that it has had this good effect, that there is not a common beggar or disorderly vagrant seen in their streets, but charity is given in its proper place and manner; and the magistrates are freed from the daily trouble they had with the poor, and the parishes they lived in are discharged from the invidious fatigues of their settlements, when a great deal of what should have maintained them was spent in determining what parishes were to do it." The example and success of Bristol in this respect, shortly led to the passing of similar Acts for Worcester, Hull, Exeter, Plymouth, Norwich, and other places.

1697. Bristol workhouse.

1701. Amount of the poor-rates.

Of the amount of the poor-rates at the commencement of the eighteenth century, we have very imperfect means of judging. In a pamphlet entitled 'The Grand Concern of England Explained,' they were estimated in 1673 to amount to 70,000*l.* a month, or 840,000*l.* per annum.[g] A pamphlet published at Exeter, in 1698, entitled 'Bread for the Poor,' and having the initials of Richard Dunning prefixed, estimates the charge for the poor throughout the kingdom at above 819,000*l.*[h] The author of a pamphlet entitled 'A Present Remedy for the Poor,' published in 1700, and cited in a note by Sir F. Eden,[i] says, "There is, every year, a million of money collected in this kingdom from all parishes for the relief of the poor." These are, it must be admitted, not perfectly reliable authorities, but, when coupled with what has already been adduced, they will, perhaps, warrant our assuming that, in 1701, the poor-rates in England and Wales fell little short of 900,000*l.*

1701. Population.

With respect to the amount of the population, the information we possess is nearly as uncertain as with regard to the poor-rates. We have assumed that, at the Revolution in 1688, the population of England and Wales was somewhat over five millions and a half;[k] and we may perhaps be warranted in setting it down at five millions and three-quarters in 1701, notwithstanding that it has been estimated at considerably less.

A table by Mr. Finlaison, the actuary, inserted in the Population Returns for 1831, and founded on calculations deduced from the Returns of Births, Marriages, and Deaths, and other sources of information, gives the

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[g] See Sir F. Eden's 'State of the Poor,' vol. i. p. 189.
[h] See 'Pictorial History of England,' book ix. p. 844.
[i] See Sir F. Eden's 'State of the Poor,' vol. i. p. 264.
[k] See ante, p. 346.

population in 1700 at 5,134,516. Mr. Finlaison's calculations also lead to the conclusion that it decreased in the ten subsequent years, and in 1710 he estimates it at no more than 5,066,337, which is about the same as we have reckoned it at in 1603, on the accession of James the First, and would show it to have been stationary in the seventeenth century. But in the absence of periodical pestilence, or the frequent occurrence of some other great calamity, such could hardly have been the case. The wars and disturbances, social and political, which took place during that period, and the plague which on two occasions broke out in the metropolis, may have checked the natural tendency to increase; but the general condition of the country and the people went on improving in despite of these circumstances, and it seems highly improbable that the population did not keep pace with such improvement. That it did so keep pace, may be inferred from the steady increase shown by Mr. Finlaison to have taken place after 1710. His table gives the population, in 1750, at 6,039,684; in 1770, at 7,227,586; in 1790, at 8,540,738; and in 1801, when the first census was taken, at 9,172,980. The writer in the 'Pictorial History of England,' who has evidently given much attention to this intricate question, differs widely from Mr. Finlaison, and estimates the population in 1660 at 6,500,000, and in 1688 at 7,000,000.[m] This pretty well accords with the statements of the earlier writers; but it is probably above the truth, as Mr. Finlaison's estimate seems to be below it. Mr. Charles Smith, the author of the Corn Tracts, writing in 1765, estimates the population a few years previously, say in 1760, at 6,000,000,[n] which is nearly half a million less than Mr. Finlaison's table would make it. On the whole,

[m] See 'Pictorial History of England,' book vii. p. 654, and book ix. p. 841.

[n] See 'Pictorial History,' book ix. p. 850; and Tooke on Prices, vol. i. p. 60.

we find no reason for altering the conclusion at which we had arrived, namely, that, at the commencement of the eighteenth century, the population of England and Wales amounted to about 5,750,000.

In the social condition of the people at this time, there was probably little change, beyond the general improvement certain to take place, when the corrupt and arbitrary government of the Stuarts was replaced by one of an opposite character. The institutions of the country remained unchanged; but the spirit in which they were administered, was altogether different after the Revolution of 1688.

The seven unproductive years had terminated[o] with 1699, after which the seasons again became favourable, and prices resumed their wonted range. The rate of wages may be presumed to have continued stationary; and as they are not adverted to by the numerous writers of the period, they may also be presumed to have been on the whole satisfactory. Sir Matthew Hale in 1683 puts the wages of a day-labourer at 10*s.* a-week, or 26*l.* a-year.[p] The Hon. Roger North, about 1688, says that in Norfolk, Suffolk, and Essex a labourer earned 12*d.* a-day, whilst in Oxfordshire it was 8*d.*, in the North 6*d.*, and in Cornwall, he had been informed, it was no more than 2*d.*; but in these last three instances, the labourer probably received provisions as well as money. In the same year Mr. Gregory King, in a curiously elaborate table, inserted entire by Sir F. Eden, gives the wages of artizans and handicraftsmen at 2*s.* 6*d.* a-day, or 38*l.* a-year, and of common labourers and out-servants at 1*s.* a-day, or 15*l.* a-year. This table is so curious and interesting, that I will here insert it for the purpose of comparison :—

Rate of wages.

Mr. Gregory King's scheme.

[o] See ante, p. 364.

[p] See Sir F. Eden's 'State of the Poor,' vol. i. p. 216; also p. 228.

A Scheme of the Income and Expense of the several Families in England, calculated for the year 1688.

Number of Families.	Ranks, Degrees, Titles, and Qualifications.	Heads per Family.	Number of Persons.	Yearly Income per Family, £. s.	Yearly Income in general. £.
160	Temporal lords	40	6,400	3200 0	512,000
26	Spiritual lords	20	520	1300 0	33,800
800	Baronets	16	12,800	880 0	704,000
600	Knights	13	7,800	650 0	390,000
3,000	Esquires	10	30,000	450 0	1,200,000
12,000	Gentlemen	8	96,000	280 0	2,880,000
5,000	Persons in greater offices and places	8	40,000	240 0	1,200,000
5,000	Persons in lesser offices and places	6	30,000	120 0	600,000
2,000	Eminent merchants and traders by sea	8	16,000	400 0	800,000
8,000	Lesser merchants and traders by sea	6	48,000	198 0	1,600,000
10,000	Persons in the law	7	70,000	154 0	1,540,000
2,000	Eminent clergymen	6	12,000	72 0	144,000
8,000	Lesser clergymen	5	40,000	50 0	400,000
40,000	Freeholders of the better sort	7	280,000	91 0	3,640,000
120,000	Freeholders of the lesser sort	5½	660,000	55 0	6,600,000
150,000	Farmers	5	750,000	42 10	6,375,000
15,000	Persons in liberal arts and sciences	5	75,000	60 0	900,000
50,000	Shopkeepers and tradesmen	4½	255,000	45 0	2,250,000
60,000	Artizans and handicraftsmen	4	240,000	38 0	2,280,000
5,000	Naval officers	4	20,000	80 0	400,000
4,000	Military officers	4	16,000	60 0	240,000
500,586		5⅓	2,675,520	63 18	34,488,800
50,000	Common seamen	3	150,000	20 0	1,000,000
364,000	Labouring people and out-servants	3½	1,275,000	15 0	5,460,000
400,000	Cottagers and paupers	3¼	1,300,000	6 10	2,000,000
35,000	Common soldiers	2	70,000	14 0	490,000
..	Vagrants, as gipsies, thieves, beggars, &c.	..	30,000	10 10	60,000
1,349,586	Neat Totals	4 1/13	5,500,520	32 5	43,498,800

The yearly income of these 5,500,520 persons is thus estimated at 43,498,800*l.*; and Mr. Gregory King reckons the twenty-one first and largest classes of recipients to increase the wealth of the kingdom by spending less than their incomes, and the five last (including vagrants, &c.) to decrease it by spending more. This is a fanciful division, and of course there is no pretension to exactitude in the above figures. The scheme can be regarded as nothing more than an approximation, and possibly a

wide one. But there is no reason for supposing that Mr. King inserted anything which he did not himself believe to be true, and his researches and computations are at least entitled to respect. Davenant remarks approvingly that he had examined this table, and tried it with some little operations of his own on the same subject, and compared it with the schemes of other political arithmeticians. The 60,000 artizans and handicraftsmen appear a very small number compared with the farmers, labouring people, and out-servants; and such a proportion would warrant the inference that, down to the time of the Revolution, agriculture was still the almost exclusive occupation of the country, and that, notwithstanding a certain advance had been made in commerce and manufactures, they were each yet in their infancy. This is further evidenced by the incomes of "eminent merchants and traders by sea" being set down at no more than 400*l.*—a sum showing that the position of the trader, and the capital employed in trade, were alike inconsiderable, in comparison with what is seen at the present day.

The commercial intercourse with India had long been embarrassed and much impeded by the conflicts and contentions of rival parties, as well at home as in that country; and it was not until towards the end of William's reign, that arrangements were made for bringing about an amalgamation of these various interests, and consolidating them into one comprehensive association. This at length was accomplished, and a new corporation was formed, under the title of "The United Company of Merchants of England trading to the East Indies," the charter for which was, however, not finally settled and signed until after Anne's accession. The two great corporations of the Bank of England and the East India Company, the greatest the world has ever known, whether viewed in reference to their immediate operations or to their results, and under each of which the author of this work deems it an

honour to have served, may thus be said to have both had their origin in William's reign;[q] during which, and notwithstanding the pressure of war throughout the greater portion of it, and the interruptions and burthens thereby imposed upon trade and manufacturing industry, we nevertheless find that the currency had been restored and a new coinage issued; that the Bank of England and a system of public credit had been established; a board of trade and plantations organised; our colonies in North America and the West Indies greatly extended; our settlements and trade in the East enlarged and put under better management; our fisheries much improved; our shipping more than doubled; the noble institution of Greenwich Hospital founded; inland water-communications commenced; the Triennial Act passed; the preliminary steps taken for bringing about a legislative union with Scotland, which shortly afterwards was happily effected; and our power by sea and land, and our influence in the affairs of Europe, advanced to the first rank.

Summary of events in William's reign.

Such were the results of the Revolution of 1688, and the thirteen years of William's government, spite of the difficulties attending its commencement, and the war and other embarrassing circumstances by which it was continually put in jeopardy. At no other like period of our history do we find a like amount of advantages secured; but with William came in well-defined constitutional liberty out of which these and other benefits naturally flowed; and no sooner was peace concluded in 1697, than the enterprise, industry, and creative powers of the country burst forth free and unshackled, repairing and supplying with wonderful energy whatever had been misdone or omitted, surpassing all that had hitherto been achieved, and laying the foundation for future advances on the road of improvement.

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[q] See ante, p. 357.

CHAPTER IX.

Accession of Anne — The Mutiny Act — The "truck system" prohibited — Sea-apprenticeship — Worcester workhouse — Pauper labour — Plymouth workhouse — Education of the poor — Augmentation of small livings — Union with Scotland — Game-laws — General scarcity — Prices of wheat — New churches — Norwich workhouse — The woollen and sailcloth manufactures — Peace of Utrecht — Reduction of interest — Condensation of laws relating to vagrancy — The queen's death — Summary of the events of her reign — Population — State of the Poor-Law — Amount of poor-rates — Increase of shipping — Extended importance of the colonies.

IT has been already stated[a] that Anne, on her accession, determined to follow the line of policy marked out by the late king. The Duke of Marlborough was appointed captain-general, and sent as ambassador extraordinary to Holland, where he was received with great joy; and war against France and Spain being shortly afterwards declared, he was made commander-in-chief of the allied armies. The industrial operations of the country must doubtless have been impeded by the war, the taxation required for its support causing the withdrawal of capital from its legitimate employment. Yet so strong and elastic had the country become in its internal resources, and such was the energy imparted by the confidence every man felt, and the freedom with which every man acted under the shield of the constitution, that the check to commerce was scarcely perceptible. If stopped in one direction, it found vent in some other, and trade and manufacturing industry continued to advance, and the country to prosper, even during the ravages of a wide-spread and protracted war.

The first statute of the present reign to be noticed, is *The 1st Anne, stat. 2, cap. 20*, entitled 'An Act for

[a] See ante, p. 370.

punishing Officers and Soldiers who shall mutiny or desert,' &c. It commences by reciting that the raising or keeping a standing army in time of peace, unless it be with the consent of parliament, is against law; and it then declares it to be necessary that the forces now on foot should be continued, and others raised, for the safety of the kingdom, for the common defence of the Protestant religion, and for the preservation of the liberties of Europe. "And whereas no man may be forejudged of life or limb, or subjected in time of peace to punishment by martial law, or in any other manner than by the judgment of his peers, and according to the known and established laws of this realm; yet nevertheless, it being requisite, for retaining such forces in their duty, that an exact discipline be observed, and that soldiers who shall mutiny, or stir up sedition, or shall desert, be brought to a more exemplary and speedy punishment than the usual forms of the law will allow;" it is enacted, that any officer or soldier who shall excite, cause, or join in any mutiny or sedition, or shall desert, is to suffer death or such other punishment as by a court martial shall be inflicted. There are numerous other provisions regulating musters, quartering of soldiers, furnishing carriages, keeping the accounts, &c., all essential for the due government of an army, but not necessary to be here described. This is a continuation of the Mutiny Act passed in the first year of William and Mary, and renewed with more or less variations in the following years of William's reign, as it has ever since continued to be; for without it the army could not be kept together or governed. It is here, however, chiefly noticed as showing that the jealousy of an army independent of parliament which had been caused, or, if not caused, had certainly been increased, by the alarms respecting that formed by James the Second for the purpose of making him

1702. 1 Anne, stat. 2, cap. 20. The Mutiny Act.

absolute, remained undiminished; and that the only way in which a standing army could thenceforward be endured by the English people, was by its being subjected to the joint authority of the Crown and parliament.

1702. 1 Anne, stat. 2, cap. 22.

The 1st of Anne, stat. 2, *cap.* 22, declares that frauds are daily committed by persons employed in the woollen, linen, cotton, and iron manufactures, by embezzling the materials with which they are intrusted, to the great prejudice of trade; and it is enacted, that any person so offending shall, on conviction, forfeit double the value for the use of the poor. And, in order "to prevent the oppression of the labourers and workmen employed in these manufactures," it is further enacted, that all payments for work by them done shall be in lawful coin of the realm, and not by any commodities in lieu thereof, on pain of forfeiting double the value of what was due for such work. This was even-handed justice, and in the long run would be advantageous to both parties. The master's property should be protected, and the labourer's wages should be paid to him in the common medium by which all other interchanges of value are adjusted. If the employer were permitted to substitute provisions or other commodities for the current coin of the realm, it would deprive the labourer of the free disposal of his own earnings, and might subject him to fraudulent oppression, against which he would have no defence, and for which he would be without redress. This provision proves that the welfare of the working classes was an object of solicitude to the legislature at that time, which thus promptly interposed its protection against an evil too apt to arise, and which, under the designation of the "truck-system," has only been put an end to by recent legislation, if indeed it has been entirely suppressed even at present.

The Truck System.

In the year following, *The 2nd and 3rd Anne, cap.* 6,

for apprenticing boys to the sea-service, was passed, under the title of 'An Act for the Increase of Seamen and better Encouragement of Navigation and Security of the Coal Trade.' The main object of this Act is essentially similar to that aimed at in the 4th sec. of the 27*th Henry* 8*th*, *cap.* 25,[b] by which governors, justices, head officers, and constables of cities, towns, and parishes, are empowered "to take up all children between the ages of five and thirteen who are begging or in idleness, and appoint them to masters in husbandry, or other crafts, to be taught, by which they may get their livings when they shall come of age." The present Act empowers any two or more justices of the peace in their several divisions, and all mayors and other chief officers of cities and towns corporate, and likewise the churchwardens and overseers of the poor, with the approbation of such justices, mayors, and other chief officers, to bind and put out any boy of the age of ten years or upwards who is chargeable or whose parents are chargeable to the parish wherein they inhabit, or who shall beg for alms, to be apprentice to the master or owner of any English ship or vessel, until such boy shall attain the age of one-and-twenty; and such binding is declared to be as effective in law as if the boy were of full age, and by indenture had bound himself. The boy's age is to be inserted in the indenture, and the churchwardens and overseers of the parish whence the boy was bound, are to pay to the master the sum of fifty shillings to provide the boy with sea-clothing and bedding, and are to send the indenture to the collector of customs, who is to endorse, record, and transmit a certificate of the same to the Admiralty; and no such apprentice is to be impressed, or suffered to enlist in the royal navy, until he reach the

1703. 2 and 3 Anne, cap. 6.

Apprenticing youths to the sea.

[b] Ante, p. 124.

age of eighteen. It is likewise further enacted, that the masters or owners of all vessels between 30 and 50 tons burthen are to take one such apprentice, and for the next 50 tons one more, and an additional one for every 100 tons afterwards; and the churchwardens and overseers are to convey such apprentices to the port whence they were to sail; and two justices, dwelling in or near to such port, and the mayor or other head officer of any city or corporation near adjoining thereto, are empowered to inquire into and determine all complaints against masters for hard or ill usage of their apprentices.

This is no doubt a highly important statute, both in regard to its principle and its provisions. The training up of youths in industrial occupations, and the "encouragement of navigation," are each most desirable objects, and they are sought to be attained by enabling parish officers, with the consent of two magistrates, to apprentice to the sea-service all such youths as, by reason of their own or their parents' poverty, are unable to maintain themselves, or who have become chargeable, or been found begging—thus checking the increase of vagrancy, as well as promoting the "increase of seamen;" and in order that these important objects may with greater certainty be accomplished, the masters of all vessels of 30 tons and upwards are compelled to take a number of apprentices in proportion to their tonnage.

The youths who come under the provisions of this Act, as was the case under the Act of *Henry the 8th*, are placed in charge of the magistrates and parish officers, on whom the parental duties and authority are thus devolved, whenever the real parents neglect, or are from absence poverty or other cause, unable to perform them. This is, in fact, taking pauperism at its source, and snatching its youthful victims from the stream, ere they are hurried along beyond help or rescue. The importance of such a provision can hardly be over-estimated on social grounds, independently of

the political considerations involved in it. To what extent it was acted upon we have no means of ascertaining; but the obligation on fishing and trading vessels to carry apprentices in proportion to their tonnage was continued to a recent period, and the parish officers still stand *in loco parentis* to poor orphan and deserted children.

The Act for establishing a workhouse at Bristol, has already been noticed;[c] and in 1703 a similar Act was passed 'For the erecting a Workhouse, and for setting the Poor on work, in *the City of Worcester*.' This Act (*The 2nd and 3rd Anne, cap.* 8) commences by declaring, that the numbers of poor people have of late years very much increased, and particularly in the city of Worcester; and that public workhouses have been found most effectual for the prevention and removal of the great mischiefs consequent thereupon, "as from the good success of several workhouses lately erected doth more particularly appear." Wherefore it is enacted, that the mayor and certain other of the city authorities, with four other persons to be annually chosen in each of the several parishes out of the ablest and discreetest inhabitants, shall be a corporation to continue for ever, under the designation of "The Guardians of the Poor of the City of Worcester." The corporation so constituted is empowered to raise money, not exceeding the amount of the last year's poor-rate, for providing such hospitals, workhouses, or houses of correction, as may be deemed necessary; and is to relieve the poor of all the several parishes as if they were one parish; and have power to examine churchwardens and overseers upon oath; and to "search and see what poor persons there are come into and residing within the said city;" and may direct the constables to apprehend any rogues, vagabonds, sturdy beggars,

1703. 2 and 3 Anne, cap. 8. Worcester workhouse.

[c] Ante, p. 373.

or idle or disorderly persons, and cause them to be kept at work in the said buildings, for any time not exceeding six months. The corporation is further empowered to contract with other parishes in the same county for receiving and setting their poor to work (such reception not to confer settlement), and to provide the materials and things necessary for employing such poor, and to compel beggars and idle people to enter any such workhouse, hospital, or house of correction, and set them to work therein; and likewise to detain and keep at work any poor children who shall beg, or whose parents shall beg or be chargeable, until they are of the age of fifteen, and then to bind such children apprentices, for any term not exceeding seven years, to any honest person willing to receive them. The guardians are moreover empowered to inflict punishment on any person within the said workhouses, hospitals, or houses of correction, who shall misbehave or not conform to the rules.

This is a near approach to the modern workhouse, the chief difference consisting in its application to purposes of police, rather more than as a means of relief; whereas our present workhouses are applied entirely to the latter object. There is some difference also with respect to the employment of the inmates. In modern workhouses employment is chiefly regarded as a test of destitution, and as a means of promoting health and maintaining good order. But in all the older establishments employment was provided with a view to profit, and for the purpose of turning pauper labour to account, regardless of its effect upon the labour-market, and the position of the independent labourer. In the present instance, however, this effect seems to have been in some measure foreseen, for the 30*th section* provides, "that no cloth or stuff, either woollen or linen, manufactured in the workhouse or houses of correction, shall be sold by retail within the city of Worcester and the

liberties thereof, by any officer or agent of the said workhouse, on pain of forfeiting double the value thereof to any person who shall sue for the same." The cloth and stuff made in the workhouse must, therefore, be used by the inmates, or else be sent to a distance. In the latter case it might not, it is true, interfere with the produce of labour in Worcester; but it would certainly interfere with independent labour somewhere, and to the extent of such interference would it be injurious. This consequence was clearly pointed out by De Foe in 1704, in his comments upon a bill which had been introduced by Sir Humphrey Mackworth for setting the people to work. De Foe says, "If they will employ the poor in some manufacture which was not made in England before, or not bought with some manufacture made here before, then they offer at something extraordinary. But to set poor people at work on the same thing that other poor people were employed on before, and at the same time not increase the consumption, is giving to one what you take away from another; putting a vagabond in an honest man's employment, and putting diligence on the tenters to find out some other work to maintain his family."

Pauper labour interferes with and displaces industrial labour.

Four years afterwards *Plymouth* obtained an Act, *The 6th Anne, cap.* 46, similar to the above, and having nearly the same preamble. It is unnecessary therefore to describe it in detail, but there is one provision which requires notice. *The 10th section* provides for the appointment of "some pious, sober, and discreet person, well qualified for *a schoolmaster*, who shall in some convenient room within the said workhouse read daily morning and evening prayers at certain hours, to be for that purpose fixed and stated to the poor people and others belonging to the said workhouse; and also shall, by catechising and otherwise, every Saturday in the afternoon, and upon

1707. 6 Anne, cap. 46. Plymouth workhouse.

holy days, instruct the poor children and other poor persons belonging to the said house in the fundamental parts of the Protestant religion, according to the doctrine of the Church of England; and shall teach every the said poor children to read, and write, and cast accompts, and shall also teach such of the said poor children as have a capacity and inclination to learn, the art of navigation, and such part of the mathematics as tend thereunto." This considerate care for the mental culture of the lowest and most friendless of our people, is quite refreshing. It is the first instance of the kind we have met with in the course of our investigations, and we hail it with infinite satisfaction. Hitherto restriction and coercion have been the rule. There has been nothing in the way of enlightenment, no attempt to improve the creature by cultivating the faculties with which God has endowed him, no endeavour to raise him socially by elevating his moral feelings, or imparting the purifying influence of religious instruction. The law found him ignorant, idle, vicious, and instead of correcting, it gave strength and permanence to these characteristics. But in this Act we see a new spirit awakened, at least in one locality, and education is brought in to remedy the omissions of an earlier period, and to lay the foundation for future improvements.

A schoolmaster is to be appointed, and the children instructed.

The 2nd and 3rd Anne, cap. 20, providing for the augmentation of small livings, is an Act of considerable importance as regards the poor, with whom the clergy are necessarily brought into close communication, and the efficacy of whose ministry will very much depend upon the social position which they are enabled to occupy. The recital declares that "a sufficient settled provision for the clergy in many parts of the realm has never yet been made, by reason whereof divers mean and stipendiary preachers are in many places entertained to serve the

1703. 2 and 3 Anne, cap. 20.

cures and officiate there, who, depending for their necessary maintenance upon the good will and liking of their hearers, have been and are thereby under temptation of too much complying, and suiting their doctrines and teaching to the humours rather than the good of their hearers." The arrears of tenths and first-fruits due to the Crown are then remitted, and the whole revenue arising from tenths and first-fruits is thenceforth "settled for a perpetual augmentation of the maintenance of the clergy in places where the same is not already sufficiently provided for." The queen is further empowered by letters patent under the great seal to erect a corporation for administering the same, together with such donations and bequests as well-disposed persons, encouraged by her Majesty's example, shall contribute to so pious and charitable a purpose. It adds greatly to the merit of this donation, that it was made during the pressure of an expensive war.

In the following year, the honour and manor of Woodstock were conferred upon Marlborough, by *The 3rd and 4th Anne, cap.* 4, which details the achievements that gave rise to this noble gift with perfect clearness and simplicity, and at the same time records and does justice to the efforts which had been made by the late king. The Act begins by declaring, that the eminent services performed by Marlborough are well known to all Europe, and it then recites the results of the Duke's three campaigns, ending with the relief of the Empire and the battle of Blenheim. We cannot doubt that Marlborough's victories kindled a spirit of emulation and energy throughout the country, and led many to enter upon an active life, who might else have wasted their days in indolence, or possibly become a burthen to the community. The demands of the war moreover, although in the main wasteful and anything but reproductive, would yet put various occupations in a state of greater

1704. 3 and 4 Anne, cap. 4.

activity, and thus Marlborough's campaigns may be regarded as exercising a certain influence on the social condition and character of the people, and are not to be overlooked in a work of this nature. The same may be said of the operations by sea, which were at this time nearly as successful as those by land. Among other advantages obtained by our navy, it is only necessary to mention the taking of Gibraltar, which was this year (1704) captured by Sir George Rooke, in a manner evincing the greatest gallantry and devotion on the part of all engaged in the enterprise. The war continued eight years longer, when, the objects for which it was waged having been accomplished, by reducing the power of France within limits not incompatible with the liberties of Europe, negotiations for peace were opened at Utrecht, and so far settled as to be noticed in the queen's speech to parliament on the 5th of June, 1712.

The next event requiring notice, is the Union with Scotland, in comparison with which the French war was a matter of very minor importance. This great measure, so beneficial in its results to the people of both countries, took effect on the 1st of May, 1707. Negotiations on the subject had been in progress from the very commencement of the queen's reign, and even before that time; but the difficulties which presented themselves, as well in England as in Scotland, and especially in the latter, seemed almost insurmountable. By the resolute perseverance of the real patriots in both countries, however, these difficulties were at length overcome, and *The 6th of Anne, cap.* 11, confirming the articles of union agreed upon by the Commissioners appointed on behalf of the two kingdoms, received the royal assent, and became the law of the land. The benefits arising from this measure can hardly be overstated. Since the union, England and Scotland have alike gone on improving in a

1707. Union with Scotland.

most remarkable manner. Each has assisted the other, and the jealousy and ill feeling which had previously prevailed, have entirely disappeared. The auguries of evil have proved unfounded, and if the two people have not actually become blended into one, they are yet happily so far identified in interest, and so united in habits and feelings, as no longer to take opposite views on any question affecting the honour or the interest of the United Kingdom. In one respect, however, there has been, and still is, a difference: the Poor Law of the two countries has never been assimilated, and although a nearer approach to it has recently been made, there is still a marked difference in the mode of providing for the relief of the destitute, on the north and on the south of the Tweed.

The 6th of Anne, cap. 16, is entitled 'An Act for the better Preservation of Game.' It enacts that any higgler, carrier, innkeeper, or victualler, having game in his possession, or who shall buy, sell, or offer to sell the same, shall, upon conviction, forfeit for every hare, pheasant, &c., the sum of five pounds, one half to the informer, the other half to the poor of the parish; and in default of payment, the offender is to be committed to the house of correction for three months on the first offence, and four months on the second offence, "without bail or mainprise." The Act further provides, "That any person who shall destroy, sell, or buy any game, and shall within three months make discovery of any higgler, chapman, carrier, innkeeper, &c., that hath bought or sold, or offered to buy or sell, or had in their possession, any hare, pheasant, partridge, &c., so as that any one shall be convicted of such offence," such discoverer is not only exempted from punishment for having himself killed and then sold the game, but is to be rewarded by receiving, in his capacity of informer, half the penalty imposed by the Act: that is, he retains the money paid to him by the higgler

1706. 6 Anne, cap. 16. The game-laws.

or chapman for the game he unlawfully killed and sold, and also receives half the amount of the fine on every conviction obtained through his treachery. The object of this provision was, no doubt, to sow distrust between the higgler and the poacher, and, by discouraging the one from buying, to put a stop to the other's killing, the game. The last Act on this subject was the *4th William and Mary, cap.* 23, which declares that the game "had been very much destroyed by many idle persons, who afterwards betake themselves to robberies, burglaries, or other like offences, and neglect their lawful employments." For remedy whereof it directs that the houses of suspected persons may be searched, and if game be found, and not satisfactorily accounted for, the offending party is subjected to a penalty of not less than five nor more than twenty shillings, and in default of payment he is to be imprisoned for a period not exceeding a month nor less than ten days, with hard labour. Here we find the penalty imposed indifferently upon the poacher and the receiver; but by the present Act (the *6th of Anne*), we see that the prime culprit is rewarded in order to facilitate the punishment of the secondary offender or receiver. Such a sanction, not only to breaches of the law, but also to breaches of moral rectitude, must have tended to demoralise those of the working classes on whom the temptation to destroy game would most powerfully operate, and even to extend beyond these, and shed an evil influence over the rest of the population.

The *6th of Anne* was limited to three years' duration, but it was continued and made perpetual by *The 9th of Anne, cap.* 27, which declares that it "hath been found an useful law for the preservation of the game of the kingdom." Some additions are, however, made to it. Killing game in the night is prohibited. Lords of the manor are restricted from appointing more than one gamekeeper, whose

1710. 9 Anne, cap. 27. The game-laws.

name is to be entered with the clerk of the peace; and if any game shall be found in the possession of any person not qualified to kill game, "or entitled thereto under some person so qualified, the same shall be adjudged to be an exposing thereof to sale within the intent and meaning of the Act," and would of course subject such person to the penalties it imposes. The advantages to be derived from the preservation of game, ought to be very great and very certain to warrant the restrictions in this and the previous statutes; but for the direct incentives to fraud and falsehood which they hold out, there can be no warranty; and it is, perhaps, no exaggeration to say, that these laws for the preservation of game have done more to pervert the rural population, and to cause the spread of vice and poverty, than any other Act or circumstance of the period. The law, nevertheless, continued in force for a series of years with very little change.

There was a scarcity throughout Europe in 1709, and *The 8th of Anne, cap.* 2, was passed, prohibiting the exportation of corn, malt, flour, &c. The recital is similar to that of the *10th William 3rd, cap.* 3,[d] and the Act prohibits, until the end of September in the following year, the exportation of any corn, meal, malt, starch, flour, &c.; but if the price of corn in the public markets shall decrease in the mean time, the queen is empowered, by proclamation, to rescind all or any of the said prohibitions. It does not appear, however, that the price did decrease. Mr. Tooke[e] gives the price of wheat at Lady-Day, 1708, at 27*s.* 3*d.*; at Lady-Day, 1709, 57*s.* 6*d.*; and at Lady-day, 1710, 81*s.* 9*d.*; "being (as he says) a rise of 200 per cent. in two years." And he adds in a foot-note, "The winter of 1708-9 is one of the most memorable of any in the last century for severity and duration. In this country,

1709. 8 Anne, cap. 2.

[d] Ante, p. 363.

[e] See Tooke's 'History of Prices,' vol. i. pp. 35, 36.

and throughout the greater part of the Continent, the frost began in October, and continued, with few intermissions, into a very advanced period of the spring. The summer following was cold and wet; and the dearth with which Europe was visited in 1709, as the consequence of the severe winter and the cold and wet summer, appears to have been very severe and very general." He further remarks that "there can be no doubt but that there was on the continent of Europe, as well as in this country, a considerable proportion of deficient harvests in the seven years ending in 1715, as compared with the preceding seven years." Whenever a deficient harvest occurs, it must necessarily be followed by an increase of price, and by more or less privation and suffering among the people; and where there are, as sometimes happens, and as was the case between 1708 and 1715, a series of such deficient harvests, the privation must be proportionally greater, for wages are adjusted with reference to the average range of produce and prices, and not to the occasional occurrence of deficiency or excess.

1708-9. Winter extremely severe, followed by great scarcity.

An Act was passed in 1710 materially affecting the social well-being of the inhabitants of the metropolis, which had so greatly increased in extent and population, that the number of churches and the means of religious instruction had become altogether insufficient for meeting the wants of the people. The poorer classes, by whom such instruction is especially needed, of course suffered most from the deficiency; and to remedy this evil, *The 9th of Anne, cap.* 17, was passed, providing for the erection of fifty new churches in London and Westminster, "for the better instruction of all persons inhabiting the several parishes wherein the same shall be built, in the true Christian religion, as it is now professed in the Church of England, and established by the laws of this realm;" and

1710. 9 Anne, cap. 17.

the money for this purpose, is directed to be raised by a duty on coals brought into the port of London. We cannot doubt that with the increase of population additional churches were necessary, neither can we doubt that this measure was attended with benefit, especially to the poorer sort of people. In no long time, however, the metropolis again outgrew, and is still outgrowing its means of church accommodation, and renewed efforts were and are called for to supply the want, which continues far in advance of whatever has been done, or it may be feared of what is likely to be done, in the way of supply.

Fifty new churches in the metropolis.

We have seen what was done for providing workhouses at Bristol, Worcester, and Plymouth.[f] In 1711 *The 10th of Anne, cap.* 15, was passed for erecting a workhouse at Norwich. It declares that "the poor in the city of Norwich, and county and liberties of the same, do daily multiply, and idleness, laziness, and debauchery amongst the meaner sort do greatly increase, for want of workhouses to set them to work, and a sufficient authority to compel them thereto, as well to the charge of the inhabitants and grief of the charitable and honest householders, as the great distress of the poor themselves." And for remedy thereof, it is enacted, that the mayor, recorder, stewards, justices of peace, sheriffs, and aldermen for the time being, together with thirty-two other persons chosen respectively out of each of the four great wards of the city, shall be a corporation, under the name of "*Guardians of the Poor of Norwich*," with power to provide one or more hospitals, workhouses, or houses of correction, together with the necessaries for setting to work and employing the poor therein, of what age or sex soever they may be. The guardians are further empowered

1711. 10 Anne, cap. 15. Norwich workhouse.

[f] Ante, pp. 373, 385, and 387.

to compel idle or lazy people begging or seeking relief, and such other poor as receive alms or collection-money, or who, by the laws in force, ought to be maintained and provided for within the said city, to dwell and work in such hospital, workhouse, or elsewhere; and also to set to such work as they shall think them able and fit for all persons sent into such houses of correction; "and to detain and keep in the service of the said corporation, or set to work, until the age of sixteen, any poor child or children of the said city or the liberties thereof begging relief, and afterwards to bind out such children apprentice for any number of years, not exceeding seven, as they shall think convenient." The guardians are also empowered to inflict such punishment as to them shall seem reasonable, on any of the poor persons within the said houses, or that shall be set to work by them, who shall misbehave or not conform to the rules. And three of the guardians (the governor or deputy-governor being one) are empowered to issue warrants for apprehending "any rogues, vagrants, or sturdy beggars, or idle, lazy, and disorderly persons, within the said city and liberties, and to cause them to be conveyed, kept, and set to work in the said workhouses, hospitals, or houses of correction, for any time not exceeding three years."

Large powers are thus, we see, given for repressing idleness and vagrancy, as well as for relieving poverty; but the exercise of these powers at Norwich, as at other places where workhouses are established, was chiefly directed to providing employment that would be remunerative, and this moreover on the assumption that such employment could not be obtained in the ordinary way by the individuals themselves. A dearth of employment may no doubt occur in every community, and especially when it is chiefly occupied in manufactures, as was then the case at Norwich; but the consequences of such dearth, can only be effectually guarded

against by prudence and forethought on the part of the labouring classes; for if in every such case, employment were to be furnished at the public charge, the governing principle of supply and demand would, as has been before shown,[g] be subverted, and the evil would become chronic, instead of being occasional. This objection applies to the employment organised in workhouses with a view to profit, as much as to any other. It is not carried on to supply a want, nor even in anticipation of a want, but with a totally different object; and to the extent to which it is carried, it is certain to forestal other employment and derange the application of capital, and to inflict an injury on the best workmen for the sake of the worst.

The 10th of Anne, cap. 26, is entitled 'An Act for Regulating, Improving, and Encouraging the Woollen Manufacture, and for the better Payment of the Poor employed therein.' The preamble declares that, owing to the ill practices of some makers, and the unskilfulness of others, English broadcloths have gotten into disrepute both at home and abroad, and that the workers or poor labourers employed in making them have had goods and wares imposed on them in payment for their labour, "instead of ready money, to the great discouragements of the good makers and fair dealers." Regulations are then laid down for measuring and sealing such cloths, &c.; and it is enacted that "every clothier, clothworker, cardmaker, or any other person concerned in the trade of the woollen manufacture, shall make payment in money for all work done in relation thereunto, and shall not impose any sort of goods or wares in lieu of payment for such work," under a penalty of twenty shillings for every offence, to be determined by one justice of peace where the

1711. 10 Anne, cap. 26.

Workmen's wages to be paid in money, and not in goods.

[g] See ante, p. 387.

same shall be committed, half the penalty to go to the informer, the other half to the poor of the parish.

The care here manifested for the reputation of our cloth manufacture, shows that neither the exciting incidents of the war, nor the party feuds then raging with unusual acrimony, prevented attention being given to the commercial interests of the country. Care is likewise again most creditably manifested for the welfare of the operatives, whom the legislature now, as in the first year of the present reign,[h] come forward to protect from the evils and impositions of the "truck or tommy system." This mode of payment may probably, in some shape or other, have always more or less prevailed; but there can be no doubt that it is open to abuse, and liable to become the occasion of much injustice and hardship to those whom the Act designates as "poor labourers," but who were not "poor" in the strict sense of the term, as they acquired the means of living by their own independent exertions. The provision requiring employers to pay wages in money, and the penalty imposed on those who, instead of so doing, paid in "any sort of goods or wares," was unquestionably a wise and just restriction.

In the following year *The 12th Anne, cap.* 12, was passed 'For the better Encouragement of the Making of Sailcloth,' which is declared to be of great benefit to the nation, employing many thousands of the poor; but that, owing to the duties on hemp and flax imported, and the drawback on foreign-made sailcloth exported, the makers of British sailcloth suffer discouragement. It is therefore enacted, that, over and above the duties payable upon imported sailcloth, a further duty of one penny per ell should be paid; and as "hemp and flax imported draws back nothing of the duties paid for the same when wrought into British

1712. 12 Anne, cap. 12.

[h] Ante, p. 382.

sailcloth," a bounty of one penny is allowed "for every ell of British-made canvas fit for or made into sails," which shall be exported by way of merchandise during the next seven years. This was doubtless an encouragement to the British manufacturer, but it was at the expense of the British consumer, who would thus have to pay a penny an ell more for foreign sailcloth, and be exposed to whatever additional charge might arise from the bounty on the exportation of the British-made article. These consequences are too obvious not to have been perceived at the time; but the importance in a political point of view of encouraging the home manufacture of sailcloth, and the employment thereby afforded "to many thousands of the poor," appear at that time to have overruled the economical considerations involved in the question.

This year (1712) hostilities with France were brought to a close by the treaty opened at Utrecht for a general peace,[i] the preliminaries of which were settled in the month of June, although the peace was not formally proclaimed in London until the 4th of May following. This peace gave rise to much controversy, and was as strongly denounced by one political party, as it was strenuously defended by the other; but whatever were its merits or demerits at the time, it is now generally considered "impossible to justify the course of the negotiation which ended in the peace of Utrecht."[k] Both countries were left exhausted by their long protracted struggle, yet England suffered comparatively so little, and so rapidly recovered, as to be able shortly afterwards, by *The 13th Anne, cap.* 15, to reduce the interest of money from six to five per cent., thus proving the elastic energy of the country, and the wonderful powers of renovation it possessed through the industry of its people.

1712. Peace of Utrecht.

1713. 13 Anne, cap. 15. Rate of interest reduced to five per cent.

[i] See ante, p. 390.

[k] See Hallam's 'Constitutional History,' vol. ii. p. 369.

Notwithstanding the lamentation set forth in the preamble to the Act, about the decrease in the value of land at home, and of merchandises abroad, we find that the estimated value of our exports had increased nearly fifty per cent. in nine years, having, in 1705, amounted to only 5,308,966*l.*, whilst, on an average of the three years from 1713 to 1715 inclusive, they reached 7,696,573*l.*, a proof that the reduction of interest was not caused by any falling off in the means of employing capital.

1713. 13 Anne, cap. 26. The last statute of this reign which I shall notice is *The 13th Anne, cap.* 26, 'For reducing the Laws relating to Rogues, Vagabonds, Sturdy Beggars, and Vagrants, into one Act, and for the more effectual punishing such Rogues, Vagabonds, Sturdy Beggars, and Vagrants, and sending them whither they ought to be.' After this long and significant title, the preamble recites, that many parts of the kingdom are extremely oppressed by the conveying of vagabonds or beggars from county to county; persons being conveyed as vagrants who ought not to be so. For remedy of which it is enacted, "That all persons pretending themselves to be patent gatherers or collectors for prisons, gaols, or hospitals, all fencers, bear-wards, common players of interludes, minstrels, jugglers, all persons pretending to be gipsies or wandering in the habit or form of counterfeit Egyptians, or pretending to have skill in physiognomy, palmistry, or the like crafty science, or pretending to tell fortunes or like phantastical imaginations, or using any subtile craft or unlawful games or plays; all persons able in body who run away and leave their wives or children to the parish, and, not having wherewith otherwise to maintain themselves, use loitering, and refuse to work for the usual and common wages, and all other idle persons wandering abroad and begging (except soldiers, mariners, or seafaring men licensed by a

Relating to rogues, vagabonds, and sturdy beggars.

testimonial in writing of some justice of peace), shall be deemed rogues and vagabonds." It is then directed, that if any such rogue or vagabond be found in any parish or place wandering, begging, or misordering him or herself, the constable or any other person there dwelling is to apprehend and convey him or her before a justice of peace, to be dealt with according to law. Justices are moreover empowered to direct general and privy searches at night, for apprehending such rogues, vagabonds, and sturdy beggars; and may also make examination upon oath, and "by any other ways and means they shall think most proper," into the condition, place of abode, and place of birth, of all vagrants, &c., apprehended and brought before them; and are to cause the same to be put in writing and signed by the person so examined, and then to be transmitted to the quarter sessions, to be filed and kept on record. And if it shall appear that any such person has obtained legal settlement in any place, he is to be sent thither; but if no such settlement hath been obtained, he is to be sent to the place of his birth; and if his place of birth cannot be known, then he is to be sent to the parish or place where he last begged or misordered himself, without having been there apprehended. On this last parish is therefore *now* thrown the responsibility of finding out the vagrant's place of birth or place of settlement, and, failing in that, to provide for him according to law.

Privy search for rogues, vagabonds, and sturdy beggars.

This penalty upon negligent parishes would no doubt operate as a strong incentive to cause the apprehension of beggars and vagrants; and after they are apprehended, the justices are by the Act further empowered, before sending such persons to their place of birth or settlement, to cause them "to be stripped naked from the middle, and openly whipped until his or her body be bloody, or else to send them to the house of correc-

tion, there to be kept to hard labour." And if the justices at quarter sessions shall adjudge any such person to be a dangerous and incorrigible rogue, "they shall cause him to be publicly whipt three market-days successively at some market-town near, and afterwards to be kept at hard labour for such time as they in their discretion shall think meet; and in case any rogue so committed shall break out of prison, he is for such offence to be deemed guilty of felony and to suffer as a felon." There are other provisions regulating the mode in which beggars, &c., are to be passed to their places of birth or settlement, and prescribing the form of the passes and certificates, and how the expenses are to be defrayed; but these details it is not necessary here to describe.

The 18*th section* of this Act provides, that in case any person shall, upon examination before a justice, be found to have committed "any of the acts of vagrancy mentioned, or used the trade or life of a common beggar or vagabond for the space of two years last past, or be a dangerous and incorrigible rogue within the intent of this law," the justice is in such case empowered to commit such offender to the custody of any person or persons, or body politic or corporate, willing to receive him as apprentice or servant, who may detain, keep, employ, and set him to work, either in Great Britain or in any of her Majesty's plantations, or in any British factory beyond the seas, for the space of seven years. An appeal to the quarter sessions is however allowed, in case the person so committed shall think fit to avail himself of the privilege.

Vagrants and common beggars.

By *the* 24*th* and two following sections, masters of vessels are prohibited from bringing from Ireland, the Isle of Man, the Islands of Guernsey, Jersey, and Scilly, or any of the foreign plantations, any native of such places being

Beggars from Ireland, the Isle of Man, &c.

rogue, vagabond, or beggar, "or a person likely to live by begging," under a penalty of five pounds, and payment of the expenses incurred in apprehending and sending back such person; and the masters of vessels bound for any of these places are required, under a like penalty of five pounds, to take on board and carry back any such persons (who are however to be first openly whipped), upon a warrant from any justice of peace, and upon payment of the sum therein ordered. And it is further enacted, that in case any constable or other officer shall fail of his duty, or be remiss and negligent in apprehending and punishing rogues or vagabonds, he shall for every offence forfeit 20*s.* to the use of the poor of the parish. Penalty on parish-officers. By the last section, the 39*th Elizabeth, cap.* 4,[m] and the 1*st James* 1*st, cap.* 7,[n] are repealed, as is also so much of the 7*th James* 1*st, cap.* 4,[o] as relates to privy search. The present Act is in fact little more than a recapitulation of those statutes, omitting the branding of vagrants directed by the 1*st of James*, but in all other respects it is very similar; and a revival of so much severity in the comparatively humane and civilised period of Anne, seems to indicate that mendicancy and vagabondage had increased, owing possibly to the circumstances arising out of the war in which the country had been so long engaged.

We have now reached the end of the reign of "The good Queen Anne," the endearing title by which she was long remembered by the people. The queen died on the 1st of August, 1714, in her fiftieth year, 1714. Death of Queen Anne. and was sincerely and universally lamented. We have also arrived at the end of the Second Part of our work, and a brief survey of the position we have thus reached may here be useful.

The reign of Queen Anne was not of long duration,

[m] Ante, pp. 186, 214, and 237. [n] Ante, p. 214.
[o] Ante, p. 233.

but it was filled with incidents of great importance, both foreign and domestic. The disturbing circumstances unavoidably attendant on the Revolution had, under her mild influence, in great measure subsided, and the several powers of the constitution had become adjusted into a quiet and harmonious action. The Protestant succession in the House of Hanover was firmly established, and the crown devolved upon George the First on the queen's decease, with as little obstruction as if it had passed in the ordinary line of descent. The union with Scotland no doubt materially contributed to this result; for although the adherents of the exiled family were still numerous in that country, its union with England, and the blending of the two people which thence ensued, served as a counterpoise to this circumstance, at the same time that the greatest benefits were thereby secured for both countries in other respects. Ireland was quiet and improving, and no longer a source of weakness to the empire; and British prowess and British influence were more felt and more fully recognised than they perhaps had been at any preceding period. Considerable advances were likewise made in arts, literature, and science, and the writers of Anne's reign may vie with those who preceded or who have followed them.

1714. Population.

We have assumed that the population of England and Wales at the commencement of the year 1701 amounted to about five millions and three-quarters.[p] The waste of war during nearly the whole of Anne's reign would probably prevent any material increase at the time, whatever might be its effect afterwards, so that at the queen's decease we may still reckon the population at the same amount; which however is, as we have shown, considerably above what is estimated by some authorities, and considerably

[p] See ante, p. 374.

under what is estimated by others, and may therefore perhaps be taken as not very wide of the truth.

As regards the state of the Poor Law, it is only necessary to say that it rested essentially on the three statutes—the 43*rd of Elizabeth, cap.* 2,[q] the 14*th Charles 2nd, cap.* 12,[r] and the 13*th of Anne, cap.* 26.[s] The Act of Elizabeth establishes the principle of a compulsory rate, and prescribes the mode in which it is to be raised, and the objects to which it is to be applied. The 14*th of Charles 2nd* establishes the right of settlement and the power of removal. The 13*th of Anne* describes who are to be deemed rogues, vagabonds, and sturdy beggars, and directs how they are to be dealt with. These statutes constituted "the sum and substance" of the laws for the relief of the poor at this period, as in fact they long continued to do, and may even be said almost to do at the present day. The importance of providing education for the poor was recognised in the Act establishing the Plymouth Workhouse, by requiring the appointment of a schoolmaster.[t] And the duty of providing adequate means of religious instruction for the people generally, was recognised by the Act establishing fifty new churches in the metropolis.[u] The laws regulating trade and manufactures had been improved, and the fair earnings of the operative classes were secured to them by the abolition of the truck system.[x] But the rural population were subjected to the evil influence of the game-laws, which, in the shape they had now assumed, were calculated to encourage treachery and falsehood, and to cause the spread of demoralization.[y]

There is little certainty as regards the amount of the poor-rates, notwithstanding that the law was now in full operation in every part of the coun- 1714. Poor-rates.

[q] Ante, p. 191.
[r] Ante, p. 293.
[s] Ante, p. 400.
[t] Ante, p. 387.
[u] Ante, p. 394.
[x] Ante, pp. 382 and 398.
[y] Ante, p. 391.

try. At the commencement of the century we have, on such information as we could obtain, estimated those rates in England and Wales to have amounted to somewhere about 900,000*l.*,[z] and, considering the circumstances of the times, and the tendency in all such charges to increase, we may set them down at 950,000*l.* in 1714, which accords pretty nearly with the authorities cited by Sir F. Eden.[a] This is, however, considerably above what a statement of 'Local Taxation,' compiled by the late Mr. Rickman, and printed by order of the House of Commons in 1839, would warrant. The average of the poor-rates for the three years 1748, 1749, and 1750, according to that statement, was 730,137*l.*; but as Mr. Rickman describes the returns for these years as being very defective, and as those of 1776 (against which he makes no such charge) give 1,720,317*l.* as the amount levied in that year, it seems more likely that the former amount should have been set down too low, than that there should have been an increase of nearly a million between 1749 and 1776. I have therefore ventured to disregard the returns of 1748, 1749, and 1750, and have assumed the amount of the poor-rates at the end of Anne's reign to have been as above.

Workhouses.

The several workhouses which had been erected at Bristol and elsewhere, together with the superior organization for administering relief, and for preventing the application of the rates to improper objects, in all the parishes united for providing a common workhouse, must have brought about a more regular and a more economical mode of proceeding with regard to the poor; for although these workhouses were not founded on the best principle, nor probably conducted in the best manner, they would necessarily be a vast improvement upon the practice

[z] Ante, p. 374.
[a] See Sir F. Eden's 'State of the Poor,' vol. i. p. 264.

that previously prevailed, when in each separate parish relief was given according to the fancy or discretion of the persons who happened to be the overseers at the time.

Of the price of provisions, and the rate of wages, sufficient notice has already been taken; and as respects the condition of the people, it is only necessary to remark, that there is every reason to believe it went on improving, concurrently with the general improvements of the period. The Plymouth Workhouse Act, in 1707,[b] by expressly providing for the religious instruction of poor children, and for teaching them "to read and write and cast accompts," and directing that such of them as have capacity to learn shall be taught "the art of navigation and such part of the mathematics as tend thereto," affords evidence that much attention was then given to education; for if so much were required for the children of the poorest and lowest class, those immediately above them would surely not be neglected: whilst the general advance of the country in wealth and intelligence, and the free and popular institutions which happily existed in England, could hardly fail to bring about a corresponding improvement in the general condition of the people in other respects.

We have seen that the interest of money was in 1713 reduced from six to five per cent.,[c] whilst at the same time there was a considerable increase in the amount of exports, added to which, it may be further stated, that the tonnage of British shipping had likewise increased, it having in 1700 amounted on an average of three years to 293,703 tons, and on a like average of three years in 1714 it had risen to 421,431 tons,[d] an increase of upwards of one-third in that period. These figures may appear insignificant com-

[b] Ante, p. 387.
[c] See ante, p. 399.
[d] See 'Pictorial History of England,' book ix. p. 706.

pared with what is seen at the present day; but they afford evidence of the progressive state of the country, and show that the reduction of interest in 1713 was caused by the growth and abundance of capital, not by a decrease in the means for its profitable employment.

The British North American colonies had gone on steadily extending their boundaries and augmenting their population, assisted in both respects, rather than retarded, by the wars, political convulsions, and religious feuds, which from time to time occurred in Europe. Our settlements in the West Indies, and our factories in the East, were also every year becoming of more importance. These circumstances may in great measure account for the increase of shipping and exports above noticed; but the close connexion with Holland during the wars of William and of Anne may also have had some influence in this direction, by exciting in our traders and mariners a spirit of commercial industry and enterprise similar to that for which the Dutch were then so much distinguished, and which, as in the case of Venice at an earlier period, raised them to be the first in wealth, and, notwithstanding their limited territory, to be nearly second in power, among the nations of Europe.

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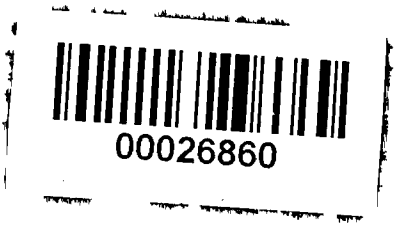

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